

CONFIDENTIAL

Page 1

JAMES DANIEL JORDAN
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

-----)
OHIO A. PHILIP RANDOLPH INSTITUTE;)
LEAGUE OF WOMEN VOTERS OF OHIO;)
THE OHIO STATE UNIVERSITY COLLEGE)
DEMOCRATS; NORTHEAST OHIO YOUNG)
BLACK DEMOCRATS; HAMILTON COUNTY)
YOUNG DEMOCRATS; LINDA GOLDENHAR;)
DOUGLAS BURKS; SARAH INSKEEP;)
CYNTHIA LIBSTER; KATHRYN DEITSCH;)
LUANN BOOTHE; MARK JOHN GRIFFITHS;)
LAWRENCE NADLER; CHITRA WALKER;)
TRISTAN RADER; RIA MEGNIN;)
ANDREW HARRIS; AARON DAGRES;)
ELIZABETH MYER; BETH HUTTON;)
TERESA THOBABEN; and CONSTANCE RUBIN)

Plaintiffs,

vs.

RYAN SMITH, Speaker of the Ohio)
House of Representatives; LARRY)
OBHOF, President of the Ohio Senate;)
and JON HUSTED, Secretary of State)
of Ohio, in their official)
capacities,)

Defendants.

-----)

DEPOSITION OF JAMES DANIEL JORDAN
Washington, D.C.
December 3, 2018
CONFIDENTIAL

REPORTED BY: Tina Alfaro, RPR, CRR, RMR
Job No. 149801

CONFIDENTIAL

Page 2

1 JAMES DANIEL JORDAN

2 Deposition of JAMES DANIEL JORDAN, held at
3 the offices of:

4
5 Baker & Hostetler

6 1050 Connecticut Avenue, NW

7 Washington, D.C. 20036
8

9 Taken pursuant to notice before Tina M.
10 Alfaro, a Notary Public within and for the District
11 of Columbia.
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CONFIDENTIAL

Page 3

JAMES DANIEL JORDAN

APPEARANCES:

ON BEHALF OF THE PLAINTIFFS:

AMERICAN CIVIL LIBERTIES UNION

BY: ALORA THOMAS-LUNDBORG, ESQ.

125 Broad Street

New York, New York 10004

ON BEHALF OF THE LEGISLATIVE DEFENDANTS:

OGLETREE, DEAKINS, NASH, SMOAK & STEWART

BY: ALYSSA RIGGINS, ESQ.

4208 Six Forks Road

Raleigh, North Carolina 27609

ON BEHALF OF THE INTERVENOR DEFENDANTS:

BAKER & HOSTETLER

BY: RICHARD RAILE, ESQ.

1050 Connecticut Avenue, NW

Washington, DC 20036

CONFIDENTIAL

Page 4

JAMES DANIEL JORDAN

I N D E X

EXAMINATION

WITNESS	PAGE
JAMES DANIEL JORDAN	
By Ms. Thomas-Lundborg	6
By Mr. Railes	119
By Ms. Thomas-Lundborg	125

EXHIBITS

JORDAN EXHIBITS	PAGE
Exhibit 1	9
First request for production of documents	
Exhibit 2	25
Motion to intervene	
Exhibit 3	61
Reply in Further Support of Motion of Republican Congressional Delegation Ohio Voters and Republican Party Organizations to Intervene	
Exhibit 4	72
E-mail	
Exhibit 5	72
E-mail	
Exhibit 6	82
E-mail	
Exhibit 7	85
Article	
Exhibit 8	92
Facebook post	
Exhibit 9	94
LexisNexis document	

CONFIDENTIAL

Page 5

JAMES DANIEL JORDAN

EXHIBITS

(Cont'd)

JORDAN EXHIBITS

PAGE

Exhibit 10

103

Picture of current ohio districts

Exhibit 11

112

Remedial map proposed by Plaintiffs

Exhibit 12

114

Map

Exhibit 13

117

Hypothetical district map

Exhibit 14

117

Hypothetical district map

CONFIDENTIAL

Page 6

JAMES DANIEL JORDAN

(Witness sworn.)

WHEREUPON:

JAMES DANIEL JORDAN,
called as a witness herein, having been first duly
sworn, was examined and testified as follows:

EXAMINATION

BY MS. THOMAS-LUNDBORG:

Q. Please state your full name for the record.

A. James Daniel Jordan.

Q. And what's your address?

A. We have two addresses. 170 -- our home is
1709 South State Route 560, Urbana, Ohio.

Q. And do you understand that you're under
oath today?

A. I do.

Q. And that's the same oath that you would
take in court; do you understand that?

A. I do.

Q. My name is Alora Thomas. I'm representing
the Plaintiffs. I'm from the ACLU Voting Rights
Project. I would ask for everyone else to please
identify themselves.

MS. RIGGINS: Alyssa Riggins from Ogletree
Deakins representing the Legislative Defendants.

CONFIDENTIAL

Page 7

1 JAMES DANIEL JORDAN

2 MR. RAILE: Richard Raile from Baker &
3 Hostetler representing the Congressional Intervenor
4 Defendants, including Congressman Jordan.

5 BY MS. THOMAS-LUNDBORG:

6 Q. Have you ever been deposed before,
7 Congressman Jordan?

8 A. I have not.

9 Q. Do you prefer to be called Congressman
10 Jordan, Mr. Jordan?

11 A. You can call me Jim.

12 Q. Let's go through a few ground rules today
13 for the deposition. So that the record is clear,
14 please let's try not to talk over one another. So I
15 will try not to interrupt you when you're in the
16 middle of a sentence, and I ask that you wait until
17 I complete a question before answering.

18 A. Fine.

19 Q. Please make sure that all of your answers
20 are verbal. The court reporter can't get uh-huhs,
21 nods of the head. If it's an affirmative or
22 negative answer, just make sure it's a yes or no
23 even if that's the totality of the answer.

24 If you don't understand a question you can
25 ask me to repeat it at any time, which I'm happy to

1 JAMES DANIEL JORDAN

2 do. If you want to take a break, just tell us and
3 we're happy to take a break for any length of time
4 that you need. I will be regularly taking breaks
5 throughout this process, about every hour or so.

6 A. Okay.

7 Q. If you need a break to consult with your
8 counsel, again, just let me know and we can take
9 that break.

10 Your counsel may object to questions that
11 are being asked today. Unless you're instructed not
12 to answer, you're to answer all questions.

13 Is there anything that would prevent you
14 from answering my questions today honestly and
15 accurately?

16 A. No.

17 Q. Are you on any medications that would
18 prevent your ability to answer?

19 A. No.

20 Q. Throughout this deposition I'm going to be
21 using -- I'll be referring to the Ohio
22 redistricting. Unless I specify otherwise, I'm
23 talking about the 2011 redistricting process.

24 A. Okay.

25 Q. Did you do anything today to prepare for

CONFIDENTIAL

Page 9

1 JAMES DANIEL JORDAN

2 this deposition?

3 A. I met with Richard on Friday.

4 Q. Okay. Did you review any documents?

5 A. I did not.

6 Q. Have you reviewed the complaint in this
7 case?

8 A. No.

9 Q. Have you reviewed the intervention papers
10 in this case?

11 A. No.

12 Q. Did you review the document subpoena for
13 your documents?

14 A. No.

15 Q. Have you seen that document subpoena?

16 A. No.

17 (Jordan Exhibit 1 was marked as
18 requested.)

19 BY MS. THOMAS-LUNDBORG:

20 Q. I'm going to mark for the record Exhibit 1.
21 I just marked as Exhibit 1 Plaintiffs' first request
22 for production of documents to Intervenor Jim
23 Jordan. Do you see that document?

24 A. Uh-huh.

25 THE REPORTER: Yes?

CONFIDENTIAL

Page 10

1 JAMES DANIEL JORDAN

2 THE WITNESS: Yes.

3 BY MS. THOMAS-LUNDBORG:

4 Q. So let me just ask you a couple questions
5 about your own document production. I'll first
6 start with some background questions about your
7 document retention procedures.

8 What e-mail addresses did you use during
9 2011?

10 A. We have our office e-mail address and then
11 we have a home e-mail address.

12 Q. And what is your office e-mail address,
13 please?

14 A. It would be Jordan.mail.house.gov. Maybe
15 it's JDJ. I forget. I never really use it. My
16 staff does.

17 Q. And then you said you had a home e-mail
18 address. What is that?

19 A. JJ@CTCN.NET.

20 Q. Do you have any other e-mail addresses that
21 you used in 2011?

22 A. I don't believe so.

23 Q. Do you have a practice regarding how long
24 you keep e-mails?

25 A. I think on the CTCN account we keep them

CONFIDENTIAL

Page 11

1 JAMES DANIEL JORDAN

2 for -- it's mostly my wife runs that e-mail -- uses
3 that e-mail. So I don't know. We keep them for
4 years in some cases.

5 Q. And on your House account?

6 A. I'd have to talk to the staff. I don't
7 know.

8 Q. Who from the staff handles the house.gov
9 account?

10 A. I'm not sure. Ultimately it would be our
11 chief of staff I would think.

12 Q. And who's that?

13 A. Kevin Eichenger, E-I-C-H-E-N-G-E-R.

14 Q. And was that your chief of staff in 2011?

15 A. No.

16 Q. Who was that?

17 A. Ray Yonkura, Y-O-N-K-U-R-A.

18 Q. And did you have -- have you had any chiefs
19 of staff in between Eichenger and Yonkura?

20 A. No.

21 Q. And how long was Ray Yonkura your chief of
22 staff?

23 A. Ten years, ten and a half years.

24 Q. And what period was that?

25 A. From the time I started in Congress, which

CONFIDENTIAL

Page 12

1 JAMES DANIEL JORDAN

2 would have been January 2007, until approximately a
3 year and a half ago.

4 Q. Until 2017 we'll say?

5 A. Yes.

6 Q. And did Mr. Yonkura have his own e-mail
7 address?

8 A. I don't know for sure, but I assume so. I
9 don't know.

10 Q. Do you know if he conducted business on
11 your behalf on another e-mail address?

12 A. I don't know.

13 Q. In preparing documents for the subpoena did
14 you talk to Mr. Yonkura or anyone else regarding
15 Mr. Yonkura's documents that might be relevant to
16 the subpoena?

17 A. I did not talk to him about that. I talked
18 to both Ray and Kevin about what our office would
19 have to supply to -- for any type of document
20 production.

21 Q. Could you just describe a little bit that
22 conversation.

23 A. We knew there was going to be this lawsuit
24 and that we were supposed to work with our counsel
25 to get documents. I don't really recall much more

CONFIDENTIAL

Page 13

1 JAMES DANIEL JORDAN

2 than that because I wasn't the guy going to be
3 getting the documents. They were going to working
4 with our counsel to find what may be on our House
5 account that they would need.

6 Q. And so you said that it was Mr. Yonkura and
7 Mr. Eichenger who did the search for your documents;
8 is that correct?

9 A. I think Baker Hostetler did the search. We
10 just made it available. I'm not sure exactly how
11 that worked.

12 Q. And what account did you make available?

13 A. I think the accounts I talked about.

14 Q. So you made both the house.gov account and
15 the CTCN account available?

16 A. I believe so.

17 Q. Do you keep electronic calendars?

18 A. Our office does, yeah.

19 Q. And are those calendars linked to the two
20 accounts that we discussed?

21 A. No. Well, the mail.house.gov -- well, I'm
22 not sure how it works. I just know that I get the
23 weekly, daily appointments and calendar on my phone
24 from our office. What my wife Polly gets from the
25 office is I think she gets an update saying he's

CONFIDENTIAL

Page 14

1 JAMES DANIEL JORDAN

2 going to be doing certain things throughout the week
3 so she sort of knows what I'm doing, appointments I
4 may have in the district and appointments I have in
5 D.C.

6 Q. Do you know if those calendars were made
7 available for search?

8 A. I don't know. I don't know.

9 Q. Who would know whether those calendars were
10 made available?

11 A. I assume our -- I don't know. I guess our
12 chief.

13 Q. And that's Mr. Ikner?

14 A. Eichenger, yes.

15 Q. Eichenger. Sorry.

16 Do you have a general practice for how long
17 calendars are kept on your account?

18 A. I have no idea.

19 Q. Do you currently have calendar items that
20 you have access to from the past?

21 A. I mean, I can look on my phone, the
22 government phone that we're issued, I can look on
23 that and see where I was last week and what's coming
24 up this week and anything else that's been scheduled
25 out on the schedule.

CONFIDENTIAL

Page 15

1 JAMES DANIEL JORDAN

2 Q. But you don't know if, for example, you
3 would have calendar entries from 2011?

4 A. I don't know.

5 Q. And who would know that?

6 A. Our office would know.

7 Q. Other than Mr. Yonkura who else was a
8 member of your staff in 2011?

9 A. So in 2011 Kevin was also a member, Kevin
10 Eichenger was also a member in 2011.

11 Q. And what was his position?

12 A. I don't even know. He handled certain
13 committee work for us.

14 So we had Jared Dilley, who's legislative
15 director. Do you want all the staff members?

16 Q. Yes, please.

17 A. Jared Dilley, D-I-L-L-E-Y I believe. I
18 have to go back and look who all they were. I know
19 our scheduler was -- Missy was our scheduler and I'm
20 drawing a blank on her last name right now. Then
21 who else did we have? I don't know when people came
22 on and when they left. There's several people, but
23 I don't know if they were here in '11.

24 Q. To the best of your recollection. It
25 doesn't have to be --

CONFIDENTIAL

Page 16

1 JAMES DANIEL JORDAN

2 A. Certainly Jared Dilley because he's been
3 with us the entire time. Certainly Missy, Melissa
4 because she was with us until about a year or so
5 ago. So she would have been here in '11. I'm
6 focused on the D.C. staff. Did you want the Ohio
7 staff as well? We've got several -- we've got 15
8 different people who at any point in time are
9 working for us approximately.

10 Q. I think anyone who would have interacted
11 with your e-mail accounts, with your documents it
12 would be helpful to know who was in a position in
13 2011 both in D.C. and Ohio.

14 A. Certainly the scheduler Melissa, she just
15 does the scheduling, and certainly the chief of
16 staff because they have ultimate say on how the
17 schedule is going to play out in any given week.
18 Short of that it would be district staff making
19 recommendations to the D.C. staff on here's an
20 event, you know, do you think it's worthwhile for us
21 to go to this event, making those scheduling
22 decisions, but ultimately the decisions would be
23 made from the D.C. staff.

24 Q. Who in your Ohio staff would be suggesting
25 events to your D.C. staff?

CONFIDENTIAL

Page 17

JAMES DANIEL JORDAN

A. District directors and we would have had at the time -- it would have been most likely Cam Warner who runs our Lima office. I'm just trying to remember when he officially took over. It's Cam Warner or Cory Noonan. Cory Noonan is now a county commissioner. So I think at that time Mr. Warner had assumed those duties and not Cory. I'd have to go back and look when Cory got elected as county commissioner. Then in our other office -- I'd have to go back and look who was running our Mansfield office at the time. We no longer have a Mansfield office because the districts were redrawn and we now have an office in (indecipherable). So I have to go back and look.

Q. Do you know of your -- you talked a little bit about Kevin Eichenger as your current chief of staff. Do you know if his e-mails from that period were searched or collected?

A. I don't know.

Q. What about Missy last name unknown at the time, do you know if her --

A. Melissa Evans, it just came to me.

Q. Do you know if her e-mails were searched?

A. I don't know.

CONFIDENTIAL

Page 18

1 JAMES DANIEL JORDAN

2 Q. And then your Lima office, either Cam
3 Warner or Cory Noonan, do you know if their e-mails
4 were searched?

5 A. I don't know.

6 Q. And then your Mansfield office -- you said
7 director; is that correct -- do you know if their
8 e-mails were searched?

9 A. I don't know.

10 Q. Is there anyone else who would have been
11 handling scheduling or e-mailing on your behalf?

12 A. I'm not sure exactly how the process works,
13 but it would run through -- in a general sense it
14 would run through district directors in their
15 respective district offices up through the chief of
16 staff and the scheduler as I've described.

17 Q. Did you ever send text messages to members
18 of staff?

19 A. Don't know.

20 Q. You don't know if you sent text messages to
21 your --

22 A. I do from time to time to our chief of
23 staff. Are you talking about in that time period?

24 Q. In that time period.

25 A. If I did it would be very few, frankly,

CONFIDENTIAL

Page 19

1 JAMES DANIEL JORDAN

2 because I used a flip phone until about probably two
3 years ago. The flip phone you have to hit
4 everything three times to get the letter you want.
5 So it's easier to call people.

6 Q. And when you changed phones did you retain
7 any text messages?

8 A. I don't think so, but I don't know.

9 Q. And was that a government-issued phone?

10 A. No, no, no. I had a flip phone for
11 personal and then I had a government phone that
12 was -- back in those days I don't know if it was a
13 BlackBerry or iPhone. I don't know when we
14 switched, but still the practice was just to call
15 people.

16 Q. What types of paper files do you keep?

17 A. For?

18 Q. For your government work.

19 A. I'm not -- I mean, we keep a record of any
20 phone call, letter, e-mail. Any way constituents
21 communicate with us there's a record of that kept
22 because we want to respond to every constituent who
23 contacts us. I'm sure there's a record of all that.
24 As far as the files I personally keep, those are
25 largely relative to committee work, and I'll keep my

CONFIDENTIAL

Page 20

1 JAMES DANIEL JORDAN

2 notes, certain information we receive in preparation
3 for what I call big committee hearings, when we're
4 having a hearing with -- as an example, we're having
5 a hearing with Mr. Comey, former FBI director, or
6 when we had a hearing with Secretary Clinton when I
7 was on the Benghazi committee, I'll keep those notes
8 and file for what I used to prepare for that
9 particular hearing. What our staff keeps and how
10 they do it I don't know. Although I know we focus
11 on -- any constituent communication we're going to
12 keep that so that we can respond to constituents.

13 Q. Do you know if the paper files that are
14 kept, either these constituent files or other files
15 that your staff may have, do you know whether those
16 were turned over?

17 A. Don't know.

18 Q. Do you keep written calendars or agendas?

19 A. Yes. I get a card each day that I'm in
20 Washington from our scheduler and the card is simply
21 the same thing that's on the electronic schedule for
22 that day just in a card form.

23 Q. Do you know if those cards are kept or
24 discarded after you're done with them?

25 A. I pitch them because they're mine.

CONFIDENTIAL

Page 21

JAMES DANIEL JORDAN

Normally I keep it because I can put a handwritten note on them during the course of the day, but typically the handwritten note is something I want to communicate to staff. That's just for me because I'm sort of old fashion and want something to jot something down on. Frankly, what I use them mostly for is I have a speech that day the back of the card becomes the quick notes that I'm going to use to make a speech.

Q. So looking back at Exhibit 1, which is the document subpoena request, the subpoena asks for -- I won't read any item in particular, but you're welcome to look through it. Actually before I do that, sir, do you keep a social media account?

A. Yeah. I mean, our staff does.

Q. Okay. And which accounts do you keep?

A. We have Twitter and Facebook.

Q. Do you oversee posts of the social media accounts?

A. I will make recommendations for certain Twitter posts, but that, frankly, is only a practice that we have started this summer where I get more involved in the type of Tweets we're going to do. As far as what goes on Facebook, no.

CONFIDENTIAL

Page 22

1 JAMES DANIEL JORDAN

2 Q. Has anything ever been posted to one of
3 your social media accounts to which you did not
4 approve, meaning that you were unhappy with the
5 content?

6 MR. RAILE: Objection. You can answer.

7 BY THE WITNESS:

8 A. I don't recall. I mean, we have
9 communication staff who will post things on
10 Facebook. I don't know that I've ever said I wish
11 you wouldn't have done that because, frankly, I
12 don't look at our Facebook page very often.

13 Q. Okay. Is all of the content on your social
14 media accounts publicly available?

15 A. I think so.

16 Q. Going back to the subpoena, it requests
17 documents related to your -- related to the 2011
18 redistricting of Ohio's congressional districts. Do
19 you know what was done to collect documents pursuant
20 to this subpoena? We've talked about it a little
21 bit, but I'd like to get your recollection of
22 everything you know was done.

23 MR. RAILE: Objection. You can answer.

24 BY THE WITNESS:

25 A. I think our chief of staff in consultation

CONFIDENTIAL

Page 23

JAMES DANIEL JORDAN

with legal counsel searched all appropriate mediums to -- with the search terms that were provided to get information that was then presented.

Q. And would that be the same for documents related to Project Red Map, which is also a subject of the subpoena?

MR. RAILE: Objection. You can answer.

BY THE WITNESS:

A. I don't even know what Project Red Map is. I've never heard the term.

Q. So you don't know what was done to search documents related to it?

A. I don't. I'm just telling you I've never heard of Project Red Map.

Q. Okay.

Could you give us a brief overview of your educational background, please.

A. I graduated from Graham High School, Graham local schools in Ohio in 1982. I graduated from the University of Wisconsin in 1986. Graduate degree from Ohio State University in -- I forget what year, '90, '91, somewhere along in there. Then I have a law degree but never took the Bar exam. I got a law degree from Capital University in I forget what

CONFIDENTIAL

Page 24

JAMES DANIEL JORDAN

year.

Q. 2001?

A. 2001, yeah.

Q. Do you hold any special certifications, CPA?

A. No.

Q. What jobs have you held since your graduation from the University of Wisconsin?

A. Assistant wrestling college Ohio State University, state representative, state senator, U.S. Congress. During several -- during that time for several years I worked for my brother at his wrestling -- summer wrestling camp.

Q. So let's start with your first elected office position. You were elected to Ohio General Assembly in 1994; is that correct?

A. Yes.

Q. And you served three terms in the Ohio General Assembly; is that correct?

A. Correct.

Q. And then you moved to the Ohio Senate in 2000; is that correct?

A. Correct.

Q. And then in 2007 you became a U.S.

CONFIDENTIAL

Page 25

1 JAMES DANIEL JORDAN

2 congressperson; is that correct?

3 A. Correct.

4 Q. Any other positions that we haven't
5 discussed yet?

6 MR. RAILE: Objection. You can answer.

7 BY THE WITNESS:

8 A. I mean, I worked at summer wrestling camps,
9 sometimes I would do clinics, but it wasn't a --
10 you're just almost like an independent contractor
11 just doing a coach's clinic or working at a
12 wrestling camp, but primarily the camp I worked for
13 was my brother's camp.

14 (Jordan Exhibit 2 was marked as
15 requested.)

16 BY MS. THOMAS-LUNDBORG:

17 Q. I'm going to have marked Exhibit 2. I
18 understood you to say that you haven't reviewed this
19 document as part of your preparation for today, but
20 have you ever seen the motion to intervene in this
21 case?

22 MR. RAILE: Objection. You can answer.

23 BY THE WITNESS:

24 A. I don't believe so.

25 Q. Okay. We're going to walk through it today

CONFIDENTIAL

Page 26

1 JAMES DANIEL JORDAN

2 and get your reaction to some of the statements
3 here. Do you understand that this motion was filed
4 on your behalf?

5 A. Yes.

6 Q. If you could please turn to page 3. I'm on
7 the section that is titled "Proposed Intervenorors";
8 do you see that?

9 A. Yes.

10 Q. I'm going to read the first sentence under
11 that statement. "The intervenor applicants
12 represent the diverse coalition of registered
13 voters, county political parties, and congressional
14 representatives, all whose interests will be
15 directed impacted by the relief Plaintiffs are
16 pursuing in this action." Did I read that
17 correctly?

18 A. Yes.

19 Q. Do you understand based on this definition
20 that you are an intervenor applicant as a
21 congressional representative?

22 A. Yes.

23 Q. Okay. I'm going to go on to the next
24 sentence. "The member intervenor applicants are
25 incumbent representatives of Ohio's 1st, 2nd, 4th,

CONFIDENTIAL

Page 27

1 JAMES DANIEL JORDAN

2 5th, 6th, 7th, 8th, 10th, 14th, and 15th districts";
3 do you see that?

4 A. Yes.

5 Q. And based on this definition not only are
6 you an intervenor applicant, but you are a member
7 intervenor applicant?

8 A. Understood.

9 Q. The section goes on to read "They are all
10 members of the Republican party, all registered
11 voters in the district, and all intend to run for
12 re-election as representatives of those districts in
13 2018 and 2020"; do you see that?

14 A. Yes.

15 Q. Is that statement true on your behalf?

16 A. I don't know.

17 Q. Did you run for re-election in 2018?

18 A. Yeah, but I mean, it says we're going to
19 run for re-election in '18 and '20. I don't know
20 who's going to run for re-election in 2020.

21 Q. I'm just asking as far as it pertains to
22 you.

23 A. Yes, but I don't -- again, I don't --

24 Q. I don't want you to speak on behalf of any
25 of the other intervenors. When I ask you questions

CONFIDENTIAL

Page 28

1 JAMES DANIEL JORDAN

2 about this document, it's just how this document
3 relates to you. You don't have to speak on behalf
4 of any of the other congresspeople today.

5 A. So you're asking me if I'm going to run for
6 re-election in 2020?

7 Q. That's what it says here, that you're
8 planning to run for re-election in 2020.

9 MR. RAILE: Okay. Answer to the best of
10 your ability.

11 BY THE WITNESS:

12 A. I guess I plan to now, but I don't know for
13 sure if I'm going to run for re-election in 2020.
14 You don't know until you actually get signatures and
15 pay the fee and file with the Board of Elections.

16 Q. You're a member of the Republican party; is
17 that correct?

18 A. Yes.

19 Q. And you're registered to vote in your
20 district; is that correct?

21 A. Yes.

22 Q. So the only equivocation is whether or not
23 you plan to run for re-election in 2020?

24 MR. RAILE: Objection. You can answer to
25 the best of your ability.

CONFIDENTIAL

Page 29

1 JAMES DANIEL JORDAN

2 BY THE WITNESS:

3 A. As I sit here now I plan to but --

4 Q. Okay.

5 A. -- again, I don't know for sure.

6 Q. Then I'm skipping down two lines. "Rep Jim
7 Jordan is the member of the United States House of
8 Representatives for the Ohio 4th District"; do you
9 see that?

10 A. Yes.

11 Q. And that's correct?

12 A. Yes, it is.

13 Q. I'm now turning to page 9. I am at the
14 bottom of the page --

15 MR. RAILE: Just to clarify the record,
16 Counsel, you just want him to focus on the
17 particular sections you're drawing his attention to
18 and not to review the entire document?

19 MS. THOMAS-LUNDBORG: That is correct.
20 There's no need to review the entire document. If
21 you feel the need to ask him additional questions
22 after I'm done, I'm happy with that.

23 MR. RAILE: I just want the record to be
24 clear on that. Thank you, Counsel.

25 BY MR. THOMAS-LUNDBORG:

CONFIDENTIAL

Page 30

1 JAMES DANIEL JORDAN

2 Q. So I'm at the bottom of the page and I'm
3 looking at the last paragraph. I'm going to skip
4 over the first sentence -- or the first part of that
5 sentence because it's a legal question which I'm not
6 asking you about, but I believe the second part is a
7 factual question that I'd like to get your response
8 to.

9 "Elected members from a challenged district
10 may intervene as a matter of right" and then it says
11 "Due to their 'personal interest' in their office,
12 their interests in the timing and form of relief,
13 and in their continued incumbency."

14 So my first question to you is do you
15 consider --

16 A. I didn't see where you're reading from.

17 Q. I'm at the bottom. I'll just read the full
18 sentence so the record is clear.

19 "As numerous courts have recognized,
20 elected members from a challenged district may
21 intervene as a matter of right under Rule 24 due to,
22 inter alia, their 'personal interest' in their
23 office, their interests in the timing and form of
24 relief, and in their continued incumbency."

25 My question to you is do you consider

CONFIDENTIAL

Page 31

1 JAMES DANIEL JORDAN

2 yourself to have a personal interest in your office?

3 MR. RAILE: Objection. You can answer.

4 BY THE WITNESS:

5 A. Yes.

6 Q. And could you describe that interest to me?

7 A. I mean, I have a personal interest in
8 representing the families and taxpayers across the
9 4th District, doing that in a way that is consistent
10 with what I told them I was going to do when I ran
11 for the office. I mean, you have a personal
12 interest I think just because that's your job is
13 you're a representative, and I take that
14 responsibility very seriously and I take it
15 personally.

16 Q. Do you have a specific -- does your
17 interest extend not only to your position but also
18 to your district?

19 MR. RAILE: Objection. You can answer.

20 BY THE WITNESS:

21 A. Yes, in that you have developed
22 relationships with communities, with families, with
23 businesses, with taxpayers across your district and
24 there's a bond that I think is formed. So yes, that
25 is -- being able to continue that is important.

CONFIDENTIAL

Page 32

1 JAMES DANIEL JORDAN

2 Q. Is your personal interest in your
3 district -- do you have a specific personal interest
4 in your district's composition?

5 MR. RAILE: Objection. You can answer.

6 BY THE WITNESS:

7 A. I think it's more basic than that. I'm
8 going to represent the district that I have, plain
9 and simple. Regardless of the composition,
10 regardless of the geographic makeup of that district
11 I'm going to represent it, but you just wouldn't
12 be -- I mean, it's obvious that when you have --
13 when there's an existing district and you represent
14 that you develop relationships with certain -- with
15 all the communities and with all the various
16 geographic areas of the district.

17 Q. One articulated reason for personal
18 interest in this sentence that we read is -- it's
19 stated -- the last part of the sentence refers to
20 continued incumbency. Do you consider yourself to
21 have an interest in your continued incumbency?

22 A. I have an interest -- if, in fact, I file
23 and choose to run for election and/or re-election I
24 have an interest in winning, but it's not about
25 continued incumbency. It's about if you put your

1 JAMES DANIEL JORDAN

2 name on the ballot the goal is to win so you can go
3 represent the folks in your district, the people in
4 your district, the taxpayers, the business owners,
5 the families in your district, plain and simple.
6 It's not about I want to continue to be a member of
7 Congress. It's I want to continue to represent the
8 folks that I get the privilege of representing if I
9 win.

10 Q. And is that how you thought of the process
11 in 2011?

12 MR. RAILE: Objection. You can answer.

13 BY THE WITNESS:

14 A. I thought of the process just the way I
15 described it. The district I'm going to have is the
16 district -- the district that's there is the
17 district I'll run in and the district I'll represent
18 if, in fact, I win.

19 Q. If you could please turn to page 11. I'm
20 looking at the first paragraph, it's not the full
21 paragraph, and the second full sentence starting
22 with "Intervenor applicants." Have you found it?

23 A. Got it.

24 Q. Okay. Great.

25 "Intervenor applicants have invested

JAMES DANIEL JORDAN

considerable time and money building coalitions of supporters in their districts, learning their districts, serving the needs of their constituents, raising and spending money on electioneering activities among other activities"; do you see that?

A. Yes.

Q. Did I read that correctly?

A. Yes, you did.

Q. So let's just take the sentence apart because it has a few components to it. Would you agree that you've invested considerable time and money on building coalitions of supporters in your district?

A. Yes.

Q. Can you describe some of those activities?

A. Every week when we're home in the district, every day when we're home almost you're out and about doing your job. You can't represent people if you don't go talk to them. So you're touring businesses, visiting schools, talking with constituents, having townhalls, giving speeches, you're doing all that.

Q. And when you're out and about talking to people are they people located close to your home in

1 JAMES DANIEL JORDAN

2 Urbana or are they people all over the district?

3 A. All over the district.

4 MR. RAILE: Objection.

5 BY MS. THOMAS-LUNDBORG:

6 Q. And do you as part of this coalition-
7 building activity ever visit members of political
8 parties?

9 A. Of course.

10 Q. Can you describe some of those activities?

11 A. I get invited to Republican events all the
12 time and we attend them all the time.

13 Q. Okay. Can you just give us a brief
14 description of the types of Republican events you
15 get invited to and attend?

16 A. Lincoln Day dinners. My guess is I've been
17 to Lincoln Day dinners in every one of the counties
18 I get the privilege of representing one time or
19 another and probably multiple times and other type
20 of Republican picnics and those kinds of activities.

21 Q. Do you ever attend Democrat events?

22 A. Well, I don't get invited to Democrat
23 events. Do I attend bipartisan events or
24 nonpartisan events? Certainly.

25 Q. And what type of bipartisan events have you

CONFIDENTIAL

Page 36

1 JAMES DANIEL JORDAN

2 attended?

3 A. I mean, debates, I've been to League of
4 Women Voter events.

5 Q. Do you consider League of Women Voters
6 partisan?

7 A. No. You asked what kind of bipartisan or
8 nonpartisan events did I attend?

9 Q. I did not ask for nonpartisan. I just
10 asked for bipartisan, please.

11 A. Oh. So I guess that's what I was
12 answering. I would consider -- okay. Well,
13 nonpartisan, not bipartisan.

14 Q. Could you please answer the question I
15 asked. Which of the bipartisan events have you
16 attended?

17 A. That would be like Chamber of Commerce
18 events, other types of community development events.

19 Q. And you consider those bipartisan
20 organizations?

21 A. Oh, yeah. I mean, they'll invite Democrat
22 elected members as well as Republican elected
23 members to those events.

24 Q. Please proceed.

25 A. Just community events.

1 JAMES DANIEL JORDAN

2 Q. Bipartisan events, please.

3 A. I'm saying community events where there
4 will be both Democrat elected officials and
5 Republican elected officials that show up.

6 Q. Can you give me an example of one of those?

7 A. I represent a number of small towns.
8 Sometimes they'll have events associated with their
9 community days or some kind of municipal ground-
10 breaking ceremony where you'll have the Republican
11 officials and Democrat officials there. I'm
12 thinking of those types of events which are fairly
13 common on our schedule.

14 Q. And when you attend these events that
15 you've described as bipartisan do you see yourself
16 there as representing the Republicans in that there
17 are Republican representatives and Democratic
18 representatives?

19 A. No. I see myself there as the state rep,
20 the state senator, or the United States congressman
21 representing that community.

22 Q. Now, other than these bipartisan events
23 that you've discussed where Republicans and
24 Democrats are invited, are there any other
25 bipartisan events that you can think of that you've

1 JAMES DANIEL JORDAN

2 attended?

3 MR. RAILE: Objection. You can answer.

4 BY THE WITNESS:

5 A. I think I said debates earlier which are
6 certainly represented by both parties, I've
7 obviously been involved in a number of those over
8 the years. Again, I don't look at them as partisan,
9 nonpartisan, or bipartisan. We get invited to
10 various meetings and events across the district. I
11 don't -- we don't ask is this a Democrat event or is
12 this a Republican event, is this a bipartisan event,
13 a nonpartisan event. It's just an event we've been
14 invited to and then we'll make a decision based on
15 our schedule if we can go to that event.

16 Q. I'd like to go back to the sentence that we
17 were reading in this document, the one that I
18 previously read. It says "In addition to time and
19 money spent building coalitions, there is time
20 spent" -- I'm looking at the last part of the
21 sentence -- "raising and spending money on
22 electioneering activities"; do you see that?

23 A. Yes.

24 Q. Do you agree that you spend time and money
25 raising -- or that you spend time -- sorry. The

CONFIDENTIAL

Page 39

JAMES DANIEL JORDAN

sentence is a little awkward. I'm trying not to misstate it, but I'll kind of restate it. Do you spend time and money on electioneering activities?

A. Yes.

Q. Can you describe some of those for me, please.

A. I mean, we have fundraising events in the district, we have fundraising events outside the district, but yes, we've have fundraising events.

Q. Okay. How often do you have fundraising events?

A. Depends on the year.

Q. In an election year how often will you have fundraising events?

A. The last few years we've done -- we do three main ones the last couple years, three main events that we do within about a 24-, 48-hour time period.

Q. In addition to these three main fundraising events are you doing other activities related to fundraising?

A. We do direct mail -- yes.

Q. And what are those?

A. We'll do direct mail fundraising, we'll do

1 JAMES DANIEL JORDAN

2 fundraising here in Washington, fundraising events
3 here.

4 Q. So the three main events that you stated
5 that you have, are those in Ohio?

6 A. They are.

7 Q. Are those bipartisan events?

8 A. No.

9 Q. Are those Republican events?

10 A. Yes.

11 Q. And then of the D.C. fundraising events how
12 many of those do you have?

13 A. Several in the course of a year.

14 Q. Are those bipartisan events?

15 A. Don't know.

16 Q. You don't know if the D.C. fundraising
17 events are bipartisan or not?

18 A. We have lobbyists or folks who want to
19 attend your event, I don't know if they're Democrat
20 or Republican, but the event is to raise money for
21 Jim Jordan for Congress.

22 Q. Are there other electioneering activities
23 that you're engaged in other than fundraising?

24 A. I don't -- I guess I don't view it as
25 electioneering. I view I as doing my job which is

1 JAMES DANIEL JORDAN

2 going out and visiting the folks I get the privilege
3 of representing, whether that's in a meeting,
4 touring their business, stopping by a school, giving
5 a speech to 8th graders or juniors and seniors in
6 their economics and government class. So I don't
7 view that as electioneering. I just view that as
8 doing our job.

9 Q. Do you have other electioneering activities
10 that you do?

11 A. When I first ran for the job before I was a
12 member of Congress that first campaign I was out
13 campaigning, knocking on people's doors, you know,
14 doing the things you do in the course of a campaign.

15 Q. You no longer knock on doors?

16 MR. RAILE: Objection.

17 BY THE WITNESS:

18 A. Yeah. We haven't done that I don't believe
19 since the first campaign.

20 Q. What about ads?

21 A. Oh, yeah, we've done paid advertisement.

22 Q. Can you describe your paid advertisement
23 activities?

24 A. This past election, which is the most
25 recent, you know, fresh in my mind we did TV ads in

CONFIDENTIAL

Page 42

1 JAMES DANIEL JORDAN

2 most of the major markets that cover our district.

3 Q. How many ads?

4 A. One ad that ran in -- well, one ad we did.

5 Q. And what time did you spend personally in
6 putting together that ad?

7 A. We did -- I don't know how much time it
8 was, but we have to film it. So you have the crew
9 and we've got some people who were there when they
10 filmed the ad and got the footage for it.

11 Q. And how long does that take?

12 A. We did it in one day.

13 Q. Was there preparation going into it?

14 A. Not for me other than rounding up some
15 people to be there, but it was one day. It started
16 in the morning and we were done by the afternoon.

17 Q. Did your staff put preparation into the ad?

18 A. Nope. Political team, but not our
19 personal -- not our government staff.

20 Q. Do you know how much time your political
21 team put into the ad?

22 A. All I know is the day we filmed it was one
23 day.

24 Q. I'm in the same paragraph and I'm skipping
25 the next sentence and going to the following

JAMES DANIEL JORDAN

sentence. I will read the full sentence for the clarity of the record. "In addition"; do you see that? Same paragraph that we were in, top paragraph, last sentence.

A. Uh-huh.

Q. Is that a yes?

A. The last sentence, got it. Okay.

Q. "In addition, there's a possibility that if a remedial plan is ordered in this case the remedial plan could pair two or more of the member intervenor applicants in the same district, which would impede their ability to run for their seats." Did I read that correctly?

A. Yes.

Q. And as we've discussed before, member intervenor applicants are the Republican incumbents?

A. Yes.

Q. Is that a concern of yours that you'll be paired in a district with another Republican incumbent?

A. No.

Q. Why not?

A. I mean, I guess my main concern is what we talked about earlier. I have a district, I

1 JAMES DANIEL JORDAN

2 represent that district, I know the communities, I
3 know the people, you form a relationship with the
4 folks you get the privilege of serving, and if that
5 changes then that relationship's no longer there and
6 you're going to have to develop them new. That
7 would be my bigger concern. Is there a chance you
8 get put in with some other colleague -- with one of
9 your colleagues I should say? Yeah, that's a
10 concern, but it's not a big concern in my mind,
11 frankly.

12 Q. Okay. You said it is a concern, but it's
13 not a big concern. Can you articulate the nature of
14 the concern?

15 A. If the districts are redrawn, two incumbent
16 members are put in the same district and both decide
17 to run, then you're running against a colleague,
18 which is -- you know, which is what it is. You have
19 a relationship with your colleague. I consider my
20 colleagues in the Ohio delegation as friends and
21 just that, colleagues. So that would be, you know,
22 obviously something that would be a little different
23 if you had to do that.

24 Q. Was that a concern in 2011?

25 A. I think it's a concern any time the

1 JAMES DANIEL JORDAN

2 districts are being redrawn.

3 Q. In 2011 Ohio went from 18 to 16 seats. So
4 incumbents most likely would be paired; do you
5 recall that?

6 A. Yes.

7 Q. Do you recall discussions around the
8 pairing -- possible pairing of incumbents because
9 Ohio's going from 18 to 16 seats?

10 MR. RAILE: Objection. You can answer.

11 BY THE WITNESS:

12 A. Yes.

13 Q. Can you describe that concern in more
14 detail, the changing of 18 to 16?

15 A. Just what I said earlier, you know, there's
16 the potential that you may be put in a district with
17 a colleague and that is not -- that would just be a
18 new situation that you hadn't dealt with before.

19 Q. Did you have any discussions about the
20 change from 18 to 16 seats?

21 A. Yes.

22 MR. RAILE: Objection.

23 BY MS. THOMAS-LUNDBORG:

24 Q. And who did you have discussions with about
25 the change from 18 to 16?

CONFIDENTIAL

Page 46

1 JAMES DANIEL JORDAN

2 MR. RAILE: Objection. You can answer.

3 BY THE WITNESS:

4 A. A couple colleagues and a couple of friends
5 of mine in the general assembly.

6 Q. Now, you said a couple colleagues. By
7 "colleagues" do you mean Republican members of the
8 U.S. Congress?

9 A. Yes.

10 Q. And who were those?

11 A. I remember conversations with
12 Mr. LaTourette and Mr. Latta.

13 Q. And what was -- let's start with
14 Mr. LaTourette. What did you and Mr. LaTourette
15 discuss?

16 A. Just possible scenarios that were being
17 talked about how the map would look.

18 Q. And what were those scenarios?

19 A. If I remember right, there was one -- there
20 was a discussion about the 4th District being a sort
21 of -- going from kind of straight north and straight
22 south, more from Clark County, Springfield area
23 towards the Toledo area, and then there was a
24 discussion at some point about a map that looked
25 closer to what the district is now that I get to

CONFIDENTIAL

Page 47

JAMES DANIEL JORDAN

represent.

Q. And what was said in those conversations?

A. The conversation I remember having I think was near the end and I can't remember if it was when they were moving from the first description I gave you towards the second, but I don't recall the details. I just know that I talked with Congressman LaTourette about it briefly because I was speaking at an event in northeast Ohio. He and I were both speaking at this event in the Akron area. So after the event we talked about it briefly.

Q. And what was that event?

MR. RAILE: Objection. You can answer.

BY THE WITNESS:

A. I think I was speaking at the Summit County Republican dinner, if I remember right.

Q. And how did you feel about the proposed district -- the proposals for the 4th District?

A. The 4th District has historically been a west central Ohio-based district and, you know, either scenario that I remember being talked about the 4th District was still going to be largely a west central Ohio-based district. So, you know, I preferred it to stay how it was, but I knew that

CONFIDENTIAL

Page 48

1 JAMES DANIEL JORDAN

2 wasn't going to be the outcome. So I was just -- as
3 long as it was largely a west central Ohio-based
4 district which is what it historically had always
5 been I was going to be fine with it.

6 Q. You also mentioned conversations
7 with Mr. -- Congressman Latta. Can you describe
8 that, please.

9 A. I think it was just -- I just recall one.
10 I don't know that we specifically talked about this.
11 The maps that were being talked about Congressman
12 Latta and I were basically swapping some counties.
13 So we talked about that.

14 Q. And when did that conversation occur?

15 A. I don't recall. I mean, in the course of
16 all this happening, whenever this time frame was
17 this was happening.

18 Q. And what was said during that conversation?

19 A. Just that. We talked about I was going to
20 be -- I think under the current map I now represent
21 Seneca and Sandusky Counties and Bob represents
22 Harden, Wyandot, and Hancock and I had
23 represented -- it was a flip. Although the Wyandot
24 County I think in the previous -- before '11 -- or
25 before the 2012 election Wyandot County we were

1 JAMES DANIEL JORDAN

2 split, he had half, I had half. He was getting all
3 of it plus two counties I had, I was getting two
4 counties he had. So it was just a swap.

5 Q. Okay. Do you recall any specifics about
6 the conversation other than it was a swap?

7 A. I think we talked about is there a way that
8 we could keep more of what we currently had just
9 because we had represented that. It turned out we
10 couldn't, they did the swap the way it was being
11 proposed.

12 Q. Do you recall any other conversations with
13 members of Congress during that time?

14 A. I do not recall any specific conversations.

15 Q. Is it possible that you had other
16 conversations?

17 A. Sure.

18 Q. I think we'll table that portion of it for
19 a moment.

20 You mentioned that you also spoke to
21 friends in the General Assembly. Who did you speak
22 to?

23 A. Two that I know because they're two good
24 friends. One is Representative Huffman.

25 Q. Matt Huffman?

1 JAMES DANIEL JORDAN

2 A. Yes. And Senator Faber. I forget what
3 roles they had at the time. Keith Faber I believe
4 at the time was my state senator. Matt Huffman was
5 state representative and he represented Allen
6 County, which is in our congressional district.

7 Q. Do you recall that Representative Huffman
8 was the sponsor of both redistricting bills in 2011?

9 A. Yes.

10 Q. Do you recall that Senator Faber was the
11 Senate sponsor of both redistricting bills in 2011?

12 A. Yes.

13 Q. What was the nature of your conversation
14 with Representative Huffman?

15 A. I don't recall all we talked about. We
16 talked a few times about this. I guess my general
17 feeling was Matt understood the history of the 4th
18 District and understood that it was a west central
19 Ohio-based district. So I wasn't too concerned
20 about how the ultimate map turned out.

21 Q. But you said you guys talked a few times.
22 Can you describe those conversations, please.

23 MR. RAILE: Objection. You can answer.

24 BY THE WITNESS:

25 A. I mean, just what I talked about. I mean,

1 JAMES DANIEL JORDAN

2 Matt Huffman from our part of the state was the
3 representative sponsoring and putting together the
4 legislation. He had a good history of what the 4th
5 District had historically been and he's a smart
6 capable individual who I thought was going to do a
7 good job under tough circumstances, the idea that we
8 were losing two seats, and I trusted he would do
9 good work.

10 Q. Did you talk to him about the history of
11 the 4th District?

12 A. I think it was understood. I'm sure we
13 talked about the nature of the 4th District. I
14 don't recall in what detail we discussed that.

15 Q. Did you express any preferences during
16 those conversations?

17 A. I wanted the district, as I said before, to
18 stay as close as to what it currently was because
19 that's, again, the relationships and friendships
20 that you had made across the district in its current
21 configuration. So I was hoping it would stay
22 exactly like it was, but obviously it wasn't going
23 to do that.

24 Q. And Senator Faber, can you describe those
25 conversations?

CONFIDENTIAL

Page 52

1 JAMES DANIEL JORDAN

2 A. I don't recall. Probably similar, but I'm
3 sure I talked to Representative Huffman more than I
4 talked to Senator Faber.

5 Q. You said you spoke to Representative
6 Huffman a few times?

7 A. Uh-huh.

8 Q. How many times did you speak to
9 Representative Faber -- or Senator Faber? Excuse
10 me.

11 A. Probably the same thing, a handful of
12 times. My guess is, as I said, I talked to Matt
13 more often.

14 Q. How often would you talk to Representative
15 Huffman during this period?

16 MR. RAILE: Objection. You can answer.

17 BY THE WITNESS:

18 A. I talk to Matt a lot because he's -- our
19 relationship goes clear back to 1999 when he first
20 helped me run for state Senate. So he is a friend
21 that I talk to and a colleague, you know, a friend
22 in the political world that I talk to about lots of
23 issues. So my guess is during this time period I
24 was talking to Matt about other issues as well
25 because we talk fairly often.

1 JAMES DANIEL JORDAN

2 Q. And how often is fairly often?

3 A. Depends. I would say -- I mean, I haven't
4 talked with him in several weeks now, but we talk
5 fairly often just to catch up on what's happening in
6 Ohio politics, he wants to know what's happening
7 here. Matt's a friend, we talk as friends.

8 Q. Just so the record is clear, about how
9 often you would talk to Representative Huffman in
10 2011? Would you say you talked once a month, once a
11 week just so we know how often is fairly often? It
12 can change from person to person.

13 MR. RAILE: Objection. You can answer.

14 BY THE WITNESS:

15 A. I would say it was fairly often. Again,
16 when I first came to Congress, you know, the first
17 several years I felt like I talked to Matt a lot
18 just to bounce ideas off of Matt. So my guess is it
19 was fairly often. It's less often now, but I
20 obviously still talk to him.

21 Q. Is fairly often once a week, once a month?

22 MR. RAILE: Objection.

23 BY THE WITNESS:

24 A. I couldn't say. I would say probably more
25 than once a month back in those days, but I'm not

CONFIDENTIAL

Page 54

1 JAMES DANIEL JORDAN

2 sure.

3 Q. But not once a week?

4 A. Yeah, I'm not sure.

5 MS. THOMAS-LUNDBORG: If we want to take a
6 break we can take break now.

7 (A short break was had.)

8 BY MS. THOMAS-LUNDBORG:

9 Q. Congressman Jordan, when we went on break
10 we were talking about conversations that you had
11 with members of the Ohio Senate and the Ohio General
12 Assembly and you mentioned Representative Huffman
13 and Senator Faber. Did you talk to anyone else in
14 the Ohio legislature about the map?

15 A. I don't recall.

16 Q. I'm going to put out a name, Tom Niehouse.
17 Do you know Tom Niehouse?

18 A. Yes.

19 Q. Who is that?

20 A. I believe he's in the Senate. He may have
21 been president at the time or -- yeah, I think he
22 was president before Keith, before Faber was. I
23 forget. So I may have talked to Tom, yeah, I may
24 have talked to Tom, but I don't -- I don't know for
25 sure. I mean, like I said, I talked primarily with

CONFIDENTIAL

Page 55

1 JAMES DANIEL JORDAN

2 the guys from our district, one was my state
3 senator, Senator Faber. So if I was going to talk
4 to people I may have talked to him, but I may have
5 talked to Tom.

6 Q. What about Bill Batchelder?

7 A. I served with Bill as well. I may have
8 talked to Bill, but I'm not sure.

9 Q. And do you know who he was at the time?

10 A. Oh, sure. Everyone knows Bill.

11 Q. Do you know what position he held at the
12 time?

13 A. He was -- I think he was Speaker, if not
14 then he became Speaker. I believe he was Speaker
15 and Matt was Speaker pro tem or whatever the number
16 two position is, majority leader, but I served with
17 Bill in my time when I was in the state House.

18 Q. And do you recall whether you talked to him
19 at the time about the map?

20 MR. RAILE: Objection. You can answer.

21 BY THE WITNESS:

22 A. I don't recall. I may have. I mean, I
23 know I talked to Matt about it, but I don't know if
24 I talked to Bill.

25 Q. Before break we were talking about the

CONFIDENTIAL

Page 56

JAMES DANIEL JORDAN

pairing of incumbents that Ohio is going from 18 to 16 districts; do you recall that?

A. Yes.

Q. Did you have an opinion about how incumbents should have been paired in 2011?

A. Not that I recall.

Q. And ultimately Austria and Turner were paired, correct?

A. Yes.

Q. Did you have an opinion about that pairing?

A. Not really. It was what it was. You know, the districts wound up being drawn in a way that put Congressman Turner and Congressman Austria together. It's unfortunate, but that's what happens I guess when you're losing two seats in your state.

Q. Did you talk to anyone about the pairing of Congressman Turner and Congressman Austria?

A. I'm sure it came up in conversations with colleagues. You know, I'm in the world of politics. You're going to talk about two sitting U.S. congressmen have to run against each other in the primary, that's going to come up in conversations, but who specifically I don't know.

Q. Were you aware at the time that they were

CONFIDENTIAL

Page 57

1 JAMES DANIEL JORDAN

2 going to be paired?

3 A. I mean, I was aware of it when it happened.
4 Before there were all kinds of things being talked
5 about. So I don't know when I became aware of it.
6 I was aware of it when it was, you know, a fact.

7 Q. Do you know if you became aware of it
8 before the map was public?

9 A. Don't know.

10 Q. In addition to the pairing of Congressman
11 Austria and Congressman Turner, Congresswoman Kaptur
12 and Congressman Kasinich were paired; is that
13 correct?

14 A. Yes.

15 Q. Did you have any opinions about that
16 pairing?

17 A. Same as the Republican, you know, pairing,
18 it is what it is.

19 Q. Did you have any conversations about that
20 pairing?

21 A. I'm sure I did. Dennis Kasinich is a
22 friend of mine. So I'm sure I talked to Dennis
23 about it.

24 Q. Do you recall any specific conversation
25 with congressman Kasinich about the pairing?

CONFIDENTIAL

Page 58

1 JAMES DANIEL JORDAN

2 A. If I remember, I think it was probably we
3 just talked about he's going to have to run against
4 Marcy now and, you know, that was happening, but I
5 talked to Dennis -- I mean, Dennis and I had coffee
6 a few months okay in Cleveland. I count him as a
7 friend. So I'm sure I talked to him. I don't know
8 what we may or may not have discussed, but I'm sure
9 we talked.

10 Q. Then the last pairing was Sutton and
11 Renacci. I may be pronouncing that incorrectly.
12 Did you have any opinions about that pairing?

13 A. Again, that's the rules, those are the
14 maps. I would be for Jim Renacci when he's running
15 against Betty. It is what it is. I served with
16 Betty, I served with Betty in Congress and I served
17 with her in the state House. I like Representative
18 Sutton. So it's just another race where you've got
19 two incumbents running. This one, of course, is
20 Republican against Democrat.

21 Q. Did you have any conversations with anyone
22 about that pairing?

23 A. I may have. I don't know.

24 Q. Instead of two incumbents being paired --
25 or two sets of incumbents being paired three sets of

CONFIDENTIAL

Page 59

1 JAMES DANIEL JORDAN

2 incumbents were paired. Did you have any opinion
3 about going from two incumbents that had to be
4 paired, going from 18 to 16, to three sets actually
5 being paired?

6 MR. RAILE: Objection. You can answer.

7 BY THE WITNESS:

8 A. I don't -- I mean, like I said, the map
9 became -- you know, the map was what it was. Two,
10 three, four, 18 -- there couldn't have been 18, but
11 multiple. I didn't think about it that much. These
12 are the maps, here are the districts, this is what
13 the final map looked like.

14 Q. So you didn't have an opinion about the
15 fact that three sets of incumbents were paired?

16 A. I mean, you knew when you were losing seats
17 that there were going to be changes. How that
18 manifested itself I wasn't sure how it was going to
19 turn out. It came to where it was three sets of
20 colleagues were actually going to be put in the same
21 district.

22 Q. Did you have any understanding at the time
23 of why three sets instead of two sets of incumbents
24 were paired?

25 A. No.

CONFIDENTIAL

Page 60

1 JAMES DANIEL JORDAN

2 Q. Did the Republican members of Ohio's
3 delegation ever have meetings?

4 A. We have delegation meetings from time to
5 time. So my guess is we did. Do I recall
6 specifically when they were, no.

7 Q. Do you ever recall a delegation meeting
8 where redistricting was discussed?

9 A. Sure.

10 Q. And what do you recall?

11 A. That it was discussed. I mean, we've had
12 multiple meetings where we talked about -- where
13 this subject comes up in an agenda full of all kinds
14 of things that we we're looking at as a delegation.

15 Q. Do you recall the nature of those
16 discussions?

17 A. No, not totally, but I do know we talked
18 about -- there were discussions about -- I'm
19 forgetting the details here, but legislation at the
20 General Assembly that may go to the ballot that
21 would set up a different -- that would amend and
22 change the way -- the process for how maps were
23 drawn in the future. So I do recall having some --
24 you know, talking about that subject. I don't know
25 in what detail we discussed it, but that came up in

CONFIDENTIAL

Page 61

JAMES DANIEL JORDAN

meetings.

Q. In 2011 did redistricting ever come up?

A. I'm sure it did.

Q. Now, you mentioned that there would be delegation meetings. Were there calendar invitations for those meetings?

A. I don't know. There may have been.

Q. How did you become aware of these meetings?

A. My chief of staff told me that the delegation was getting together and it would be put on the schedule and we'd go to that meeting.

Q. Do you retain your schedule from 2011 that would have had these meetings on it?

A. I don't know, but, I mean, our staff would know.

(Jordan Exhibit 3 was marked as requested.)

BY MS. THOMAS-LUNDBORG:

Q. I'm going to introduce a new exhibit. This is going to be Exhibit 3. I just marked for the record as Exhibit 3 "Reply in Further Support of Motion of Republican Congressional Delegation Ohio Voters and Republican Party Organizations to Intervene." This is another paper that was filed by

1 JAMES DANIEL JORDAN

2 your attorneys on your behalf in support of your
3 intervention in this case.

4 If you could please turn to page 5.

5 MR. RAILE: Counsel, just to clarify for
6 the record, you just want him to look at the parts
7 you're showing him; is that correct?

8 MS. THOMAS-LUNDBORG: That is correct.

9 MR. RAILE: Very good.

10 BY MS. THOMAS-LUNDBORG:

11 Q. I am at the bottom of the page and it is
12 the last full sentence on the page which begins with
13 "Members of Congress have ongoing." Have you found
14 that?

15 A. Yes.

16 Q. "Members of Congress have ongoing and
17 working relationships with these constituents and
18 constituent groups who turn to members of Congress
19 for a variety of needs from ministerial to
20 substantive lobbying"; do you see that?

21 A. Yes.

22 Q. Do you have examples of times that
23 constituents have turned to you for either
24 ministerial or -- ministerial requests or
25 substantive lobbying requests?

CONFIDENTIAL

Page 63

1 JAMES DANIEL JORDAN

2 MR. RAILE: Objection. You can answer.

3 BY THE WITNESS:

4 A. Yes.

5 Q. Can you give me some examples?

6 A. We'll have veterans groups talk to us about
7 things they are working on, talk to us about
8 legislation. Sometimes it could be as simple a
9 request as I want a flag for some presentation
10 they're doing for a veteran or their family. I
11 mean, that's the first example that popped into mind
12 is dealing with veterans organizations. I'm sure
13 there are others.

14 Q. Do you have any examples that include
15 requests from constituents in Democratic groups?

16 MR. RAILE: Objection. You can answer.

17 BY THE WITNESS:

18 A. I don't know, but I assume so. I mean,
19 there are -- well, I know an example would be during
20 President Obama's inauguration helping people get
21 tickets to come -- the ability to come to the
22 inauguration, my guess is we worked with Democrat
23 constituents in assisting -- in helping people, you
24 know, get to President Obama's inauguration.

25 Q. Do you have any substantive examples from

CONFIDENTIAL

Page 64

1 JAMES DANIEL JORDAN

2 Democratic groups?

3 MR. RAILE: Objection. You can answer if
4 you can.

5 BY THE WITNESS:

6 A. I'm sure we could go back and look, but
7 nothing comes to mind right now.

8 Q. Please turn to page 7 of the document in
9 front of you. I'm at the first full sentence at the
10 top which I'll read for the record. "Doing their
11 job well requires unrelenting fundraising efforts
12 that begin the day that they are elected to office
13 and continue until they step down or are voted out."
14 Did I read that correctly?

15 A. Yes, you did.

16 Q. We've talked a little bit about
17 fundraising. Do you agree with this description of
18 fundraising activities?

19 MR. RAILE: Objection. You can answer.

20 BY THE WITNESS:

21 A. I would say for the most part -- I don't
22 know that "unrelenting" is the term I would use.
23 Fundraising is part of the job, but it certainly
24 doesn't -- it certainly doesn't consume -- I don't
25 know that it consumes the amount of time that is I

1 JAMES DANIEL JORDAN

2 think sort of conveyed in the sentence you read.

3 Q. Okay.

4 A. It's definitely important.

5 Q. I'm going to read the next sentence.

6 "These fundraising efforts would be wasted if
7 district lines were changed and a member was paired
8 with another incumbent or moved from a favorable to
9 unfavorable district." Did I read that correctly?

10 A. Yes.

11 Q. Do you agree with this statement?

12 MR. RAILE: Objection. You can answer if
13 you can.

14 BY THE WITNESS:

15 A. Again, I don't know that I would use the
16 term "wasted," but changing the district lines I
17 think is problematic for the reasons I stated
18 earlier. The relationships and friendships and the
19 bonds you've developed with constituents in
20 communities would all be lost when you move to a
21 different district.

22 Q. I'm going to move on to page 10. I'm in
23 section B and the second full paragraph, second
24 sentence. I'm just going to ask you about this
25 sentence. "Plaintiffs ignore the reality that

CONFIDENTIAL

Page 66

1 JAMES DANIEL JORDAN

2 redistricting is a zero sum game." Did I read that
3 correctly?

4 A. Yes.

5 Q. Would you agree that redistricting is a
6 zero sum game?

7 MR. RAILE: Objection. You can answer.

8 BY THE WITNESS:

9 A. Again, I wouldn't characterize it that way.
10 Zero sum game implies that, you know, there are --
11 just the fact of redrawing the lines there are
12 winners and loser. I don't know that I would
13 characterize it in that fashion.

14 Q. How would you characterize it?

15 A. I would characterize it as just what it is.
16 In Ohio we have a system where if the voters of the
17 state in three state-wide offices depending on who
18 they elect, who the people of Ohio elect to those
19 three positions, those three positions, Secretary of
20 State, governor and auditor, determine the lines for
21 the state House and state Senate. Then those
22 individuals in the state House and state Senate who
23 are elected by the people determine the lines for
24 Congress. I don't know that that's a zero sum game.
25 I think that is we the people in the State Of Ohio

CONFIDENTIAL

Page 67

1 JAMES DANIEL JORDAN

2 through their elected representatives putting

3 together districts for those representatives.

4 Q. So you've mentioned how the process works
5 in Ohio. Do you know how the process works because
6 of your work in the Ohio legislature?

7 A. I'm not sure what you're asking.

8 Q. Okay. Let me ask it a different way, then.

9 In 2001 you were in the Ohio Senate, correct?

10 A. Yes.

11 Q. Did you vote on the redistricting bill in

12 2001?

13 A. I'm sure I did.

14 Q. Okay. Did you have any other involvement
15 on the redistricting bill in 2001?

16 A. I don't recall.

17 Q. Did you work on any of its drafting?

18 A. I'm not -- I wasn't on the -- I think it
19 came -- I think the bill goes through the elections
20 committee, which I'm trying to think who was -- I
21 don't know who was chairing that. So I don't -- I
22 never chaired on the elections committee and I
23 believe that's where it goes through. So I don't
24 believe I'd have direct involvement in the drafting
25 of the legislation.

CONFIDENTIAL

Page 68

1 JAMES DANIEL JORDAN

2 Q. Do you recall if you voted in favor of the
3 bill in 2001?

4 A. I assume I would, yes.

5 Q. Now, you mentioned that the bill is drawn
6 by the Ohio legislature for the U.S. Congressional
7 District, correct?

8 A. Yes.

9 Q. Who was the Senate majority leader in 2001?

10 A. So Dick Feinan would have been the head of
11 the Senate.

12 Q. What party does he represent?

13 A. Republicans.

14 Q. And which party was the majority in the
15 Ohio Senate in 2001?

16 A. Republican.

17 Q. And which party was the majority in the
18 Ohio Assembly in 2001?

19 A. Republican.

20 Q. Do you recall who the Speaker was in 2001?

21 A. It would have still been Joanne Davidson I
22 believe. I'm trying to remember all this. Yeah, I
23 believe it was still Joanne because she took over in
24 '94. No, no, it wouldn't have been. No. Excuse
25 me. We had passed term limits in '92. So it would

CONFIDENTIAL

Page 69

1 JAMES DANIEL JORDAN

2 have been Larry Householder.

3 Q. In 2001? I believe it was Joanne Davidson.

4 A. Was it? Okay.

5 MR. RAILE: Counsel wants you to speculate
6 So...

7 BY MS. THOMAS-LUNDBORG:

8 Q. But you know that the Republicans had the
9 majority in 2001?

10 A. Yeah. I forget who took over when.

11 Q. Okay.

12 And then you mentioned that the governor
13 has a relationship to the bill, is that correct, the
14 redistricting bill?

15 MR. RAILE: Objection. You can answer.

16 BY THE WITNESS:

17 A. In our state the auditor, Secretary of
18 State, and the governor, the three state-wide
19 offices draw the districts for state House and state
20 Senate, and then the general assembly, the state
21 House and state Senate put together the legislation
22 for congressional districts and that bill like any
23 other bill is signed by the governor.

24 Q. Do you know who the governor was at the
25 time?

CONFIDENTIAL

Page 70

1 JAMES DANIEL JORDAN

2 MR. RAILE: Objection.

3 BY THE WITNESS:

4 A. So we had --

5 Q. Do you recall that Bob Taft was the
6 governor at the time?

7 A. Yes. I was trying to think when Taft was
8 done and Strickland came in. It would have been
9 Governor Taft.

10 Q. And what party is he from?

11 A. Republican.

12 Q. Now I'm moving to --

13 A. Although I'm pretty sure it was not Joanne,
14 it was Larry Householder who was Speaker. At least
15 I think so.

16 Q. Okay.

17 A. Or who came in in 2001.

18 Q. Fair enough.

19 Do you know -- I'm now moving from 2001 to
20 2011. Do you know who's the majority in the Ohio
21 Senate in 2011, the majority party?

22 MR. RAILE: Objection.

23 BY THE WITNESS:

24 A. I believe Republicans. I know Republicans
25 in the Senate.

CONFIDENTIAL

Page 71

JAMES DANIEL JORDAN

Q. Do you know who was the majority party in the Ohio Assembly in 2011?

A. Republicans.

Q. Do you know who the governor was in 2011?

A. John Casey.

Q. And what party is he from?

A. Republican.

Q. Is there anything materially different about government control in Ohio from 2001 to 2011?

MR. RAILE: Objection.

MS. THOMAS-LUNDBORG: As far as what party controlled the Government in 2001 and 2011.

MR. RAILE: Objection. You can answer.

BY THE WITNESS:

A. The same party controlled. The big difference between -- well, the same party controlled.

Q. Okay.

We talked a little bit about fundraising. Have you ever discussed fundraising -- sorry. Strike that.

Have you ever discussed redistricting in your fundraising efforts?

A. Maybe. I don't know. I don't know.

CONFIDENTIAL

Page 72

JAMES DANIEL JORDAN

Q. Okay.

(Jordan Exhibit 4 and Exhibit 5 were marked as requested.)

BY MS. THOMAS-LUNDBORG:

Q. I'm going to hand you two documents. Let's just do this one at a time. So this first document will be Exhibit 4. Unfortunately this is one that I didn't staple, but we're only going to look at the first page. I'm going to hand you at the same time what I'm having marked Exhibit 5.

I just handed you Exhibit 4 and Exhibit 5.

These are two documents that were produced to us from your office and they're both e-mails about fundraising events. So I will take each in turn. If you'd look at Exhibit 4, please.

A. Uh-huh.

Q. Now, we mentioned some people on this list. So I think I already know who some of them are. There's Ray Yonkura and that was your chief of staff at the time, correct?

A. Yes.

Q. And then there's your e-mail address, correct?

CONFIDENTIAL

Page 73

1 JAMES DANIEL JORDAN

2 A. Yep.

3 Q. And that's the personal e-mail address that
4 we've discussed?

5 A. Yes.

6 Q. Then there's a person named Adam Hewitt.
7 Who's that?

8 A. Adam worked for us for approximately ten
9 years in the district and basically drove me
10 everywhere. I mean, drove me to a lot of events and
11 worked in our district office and coordinates stuff
12 in certain counties in our district and many times
13 drove me to different events.

14 Q. Okay. And then Cory Noonan, I think we've
15 discussed him before. He was the district office
16 manager? I forget what the correct title is.

17 A. At the time he would have been district
18 director. I remember earlier I was trying to figure
19 out when he ran for county commissioner. It must
20 have been in 2012 because he's still working as
21 district director it looks like here.

22 Q. And then there's a person named Jenna
23 McNulty. Who's that?

24 A. She was our fundraiser at the time.

25 Q. Looking at the body of the e-mail there is

CONFIDENTIAL

Page 74

1 JAMES DANIEL JORDAN

2 Auglaize --

3 A. Auglaize, yeah.

4 Q. -- county event and the other names are
5 Cecilia -- oh, I'll state for the record this
6 document has been marked confidential information.
7 You've produced it to us. Our position is that this
8 should not be marked confidential because there's
9 nothing confidential. The only confidential
10 information seems like it's already been redacted,
11 which would be the residential address, but for the
12 purposes of this deposition I'll mark this section
13 of the deposition confidential.

14 MR. RAILE: Great. We obviously take the
15 position that it is and we can deal with that
16 off-line.

17 BY MS. THOMAS-LUNDBORG:

18 Q. So who are Cecilia and Ernie Risner?

19 A. Constituents of ours in Wapakoneta, Ohio,
20 which is an Auglaize County.

21 Q. Do you recall a fundraiser event that they
22 were responsible for?

23 A. Yes.

24 Q. Under "Discussion points" towards the
25 bottom of the page, it's right under the redacted

JAMES DANIEL JORDAN

text of "Venue" there are three discussion points, "Debt ceiling, "Role as RFC chairman," and "Redistricting"; do you see that?

A. Yes.

Q. Do you recall having a fundraiser event where redistricting was a discussion point?

A. I don't recall specifically, but those three things were three big issues that were being discussed in 2011 and I was the RFC chairman in 2011.

Q. Okay. What was the nature of discussions that you would have at -- well, before I ask this question let me strike that. Let me move on to the next document, which is another document that has been marked as confidential. We have the same objection to the confidential designation, but I will also mark this part of the deposition as confidential.

So it looks like this e-mail has many of the same people or all the same people we've seen before, Jenna McAnulty, yourself, Adam Hewitt and Ray Yonkura, and this is for an event titled "Morrow County, Pat and Dick Miller," correct?

A. Yes.

CONFIDENTIAL

Page 76

1 JAMES DANIEL JORDAN

2 MR. RAILE: Objection.

3 BY MS. THOMAS-LUNDBORG:

4 Q. Who are Pat and Dick Miller?

5 A. Constituents of ours in Morrow County.

6 Q. And do you recall a fundraising event that
7 they were responsible for?

8 A. Yes.

9 Q. And if you look again under the redacted
10 text, which is "Venue," there are discussion points
11 and the third discussion point is "Redistricting";
12 is that correct?

13 A. Yes.

14 Q. So now thinking about these two documents,
15 two different fundraising events; is that correct?

16 A. Yes.

17 Q. So there were two different fundraising
18 events where redistricting was discussed. Generally
19 what was the nature of the conversations that you
20 would have about redistricting?

21 MR. RAILE: Objection. You can answer.

22 MS. THOMAS-LUNDBORG: As it relates to
23 fundraising.

24 MR. RAILE: Objection.

25 BY THE WITNESS:

1 JAMES DANIEL JORDAN

2 A. Yeah. I don't think it related to
3 fundraising. I think I was giving an update to our
4 constituents about the state of play as we knew it
5 at the time, to what degree we may have known at the
6 time about redistricting. They were hearing about
7 it, there were stories in the paper about
8 congressional districts were going to change, Ohio
9 was going to lose two seats. It was just a point of
10 interest for our constituents as was the debt
11 ceiling debate which was big at the time and, of
12 course, my new responsibilities I had assumed in
13 that Congress as the Republican study committee
14 chairman.

15 Q. Now, you said redistricting you would give
16 updates. Can you describe those updates a little
17 bit more?

18 A. There are going to be new lines, we don't
19 know what they're going to be, I hope they stay the
20 same because I obviously enjoyed representing the
21 current -- you know, the current communities in the
22 district. That kind of update, I would think that's
23 what I would have told constituents.

24 Q. Going back to these documents, these are
25 the only two documents, I think there are a couple

CONFIDENTIAL

Page 78

1 JAMES DANIEL JORDAN

2 copies that were produced in this case about your
3 office about redistricting. Do these represent the
4 only times that you ever communicated about
5 redistricting?

6 MR. RAILE: Objection.

7 BY THE WITNESS:

8 A. I don't know.

9 Q. Well, you've mentioned some conversations
10 that you had about redistricting. Do you recall
11 whether any other e-mails about redistricting were
12 circulated?

13 A. Again, I don't know.

14 Q. Going back to the conversations that you
15 had with congresspeople about redistricting, you
16 mentioned Congressman LaTourette and Congressman
17 Latta. Did you talk to any other congressmen in or
18 out of Ohio's delegation about redistricting?

19 A. Probably. I don't recall specific
20 conversations, but, you know, the whole country's
21 going through redistricting. My guess is it
22 probably came up in a conversation with colleagues,
23 you know, here in D.C., but I don't recall specific
24 conversations.

25 Q. Did you e-mail with any of the

CONFIDENTIAL

Page 79

1 JAMES DANIEL JORDAN

2 congresspeople about redistricting?

3 MR. RAILE: Objection.

4 BY THE WITNESS:

5 A. I hardly e-mail anybody about anything. So
6 I would say, you know, I don't recall, but I would
7 doubt it.

8 Q. Other than Congressman Kasinich, did you
9 talk to anyone in Ohio's Democratic caucus about
10 redistricting?

11 A. I may have in a -- you know, I just don't
12 recall specific conversations. I mean, I don't
13 know.

14 Q. I'll ask it somewhat more specifically. Do
15 you recall any conversations with Congresswoman
16 Kaptur about redistricting?

17 A. I don't.

18 Q. Congresswoman Fudge?

19 A. No, I don't. I mean, I talk to all these
20 folk. So did redistricting ever come up? I don't
21 know. It may have, but I don't recall.

22 Q. Okay.

23 Then Congresswoman Beatty was not in
24 office. Did you know her at the time?

25 A. I'm sure we had met. I knew her husband

CONFIDENTIAL

Page 80

1 JAMES DANIEL JORDAN

2 better because I served with Otto Beatty in the
3 General Assembly. I'm sure I met Joyce at some
4 point because she did lobbying work for Ohio State
5 University.

6 Q. Do you recall any conversations with her
7 about redistricting at the time?

8 A. I do not.

9 Q. Did you ever talk to Congressman Boehner
10 about redistricting?

11 A. I don't think so, but I don't recall.

12 Q. Back in 2011 what was your relationship
13 like with Congress- -- excuse me -- Speaker Boehner?

14 A. I mean, fine. Although we had a big debate
15 that summer on the debt ceiling issue and it got
16 pretty intense, but I think the relationship was
17 fine.

18 Q. Now, you mentioned there was a big debate
19 about the debt ceiling in the summer of 2011,
20 correct?

21 A. Yes.

22 Q. Do you recall whether there were any rumors
23 in 2011 about your debt ceiling position affecting
24 your district?

25 A. Yes.

1 JAMES DANIEL JORDAN

2 Q. Can you describe that, please.

3 A. It was in the press, in the Columbus
4 Dispatch, a story that -- you know, something to the
5 effect that Jim Jordan's opposition to the debt
6 ceiling increase without the spending cuts that we
7 were pushing for could somehow impact the type of
8 district, character of the district that would be
9 drawn in the upcoming redistricting process.

10 Q. And what was your reaction to the Columbus
11 Dispatch article?

12 A. Frankly, if you're being criticized in the
13 press because you want to cut spending, I mean,
14 quite frankly, once you get past the initial
15 headline on the front page of the paper, our
16 reaction was this is great news, you're being
17 criticized by, you know, these political consultants
18 or whoever it was, I forget who was quoted or
19 whoever was the anonymous source, you're being
20 criticized for standing up and doing what you told
21 the voters you were going to do. I'll take those
22 headlines any day.

23 Q. Did you think there was any validity to the
24 rumor that your district might be affected?

25 A. I didn't know.

CONFIDENTIAL

Page 82

1 JAMES DANIEL JORDAN

2 Q. Did you do anything to ascertain whether it
3 was true?

4 A. No. Frankly, I wasn't that worried.

5 Q. Did you have any response to the article?

6 A. I kept doing what we said, fighting for
7 spending cuts.

8 (Jordan Exhibit 6 was marked as
9 requested.)

10 BY MS. THOMAS-LUNDBORG:

11 Q. I'd like to look at that a little bit more
12 specifically. I'm going to have marked as
13 Exhibit 6 -- and I'm designating this portion of the
14 transcript as confidential -- a document that's
15 confidential information. It was not produced by
16 your office. It was produced by Representative
17 Johnson. Again, it's one that we would object to
18 the confidentiality since it is a news article that
19 has been forwarded without any other text. So it's
20 a public document.

21 This is an article that has been forwarded
22 by Joe Hallett, H-A-L-L-E-T-T, from Thursday,
23 July 28, 2011.

24 MR. RAILE: Counsel, just for clarity, are
25 you going to go ahead with the last documents and

CONFIDENTIAL

Page 83

1 JAMES DANIEL JORDAN

2 just mark it confidential on the transcript for the
3 sake of argument?

4 MS. THOMAS-LUNDBORG: Yes.

5 MR. RAILE: Okay. Very good. Thank you.

6 by MS. THOMAS-LUNDBORG:

7 Q. We won't spend too much time on this
8 version just for clarity. I have another version
9 that hasn't printed as well. So we can use this as
10 a check about whether or not the version that I have
11 is, in fact, completely public is correct. Let's
12 first establish what is in front of you.

13 So the title of the document that's being
14 sent is titled "Payback coming for congressman's
15 disloyalty"; do you see that?

16 A. Yes.

17 Q. And this document has come from Mike
18 Smullen and it's being sent to, among others, Bill
19 Johnson; do you see that?

20 A. Yes.

21 Q. And do you know who Bill Johnson is?

22 A. Yes.

23 Q. And who is he?

24 A. It's Congressman Bill Johnson.

25 Q. And it's an article by Joe Hallett; do you

CONFIDENTIAL

Page 84

1 JAMES DANIEL JORDAN

2 see that?

3 A. Yes.

4 Q. And this article appears to be from the
5 Columbus Dispatch; do you see that?

6 A. Yes.

7 Q. And the first sentence reads "U.S. Rep Jim
8 Jordan's open defiance of Speaker Boehner's efforts
9 to solve the debt ceiling crisis could cost the
10 Urbana Republican his safe seat in next year's
11 election"; do you see that?

12 A. Yes.

13 Q. So this appears to be an article discussing
14 the rumor about a change to your district?

15 MR. RAILE: Objection.

16 BY THE WITNESS:

17 A. Yes.

18 Q. If you want to spend some more time looking
19 at the article, that's fine.

20 A. No, I'm good.

21 Q. We've mentioned the Columbus Dispatch
22 previously. Are you familiar with the Columbus
23 Dispatch?

24 A. Yes.

25 Q. Okay.

CONFIDENTIAL

Page 85

1 JAMES DANIEL JORDAN

2 MS. THOMAS-LUNDBORG: I would like to move
3 on from the confidential designation to another
4 version of this article, and I'm having this marked
5 as Exhibit 7.

6 (Jordan Exhibit 7 was marked as
7 requested.)

8 MS. THOMAS-LUNDBORG: Just so the record is
9 clear, if you look at the second page -- third page,
10 one reason it is marked is on the third page there
11 is this other article that has been interposed into
12 the printing of this article. So I have crossed out
13 the irrelevant text, but if you compare it to the
14 confidential document you'll see that my marking --
15 my extraction of text is correct and once we decide
16 on the confidentiality of the document I would like
17 to use it. Hopefully for trial this will all be
18 resolved

19 MR. RAILE: I'll just throw an objection on
20 the record for the odd state of the document.

21 MS. THOMAS-LUNDBORG: Fair enough.

22 MR. RAILE: But you can proceed, Counsel.

23 MS. THOMAS-LUNDBORG: Understood. If I
24 could use the confidential one and have this
25 discussion outside of the confidentiality

CONFIDENTIAL

Page 86

1 JAMES DANIEL JORDAN

2 designation I would, but for now I'd like to have an
3 open discussion about this document.

4 BY MS. THOMAS-LUNDBORG:

5 Q. Exhibit 7 that you have in front of you is
6 an article by Joe Hallett; do you see that?

7 A. Yes.

8 Q. And it's from the Columbus Dispatch; do you
9 see that?

10 A. Yes.

11 Q. And I will note for the record there's a
12 slight difference in date. If you turn to page 2
13 this document seems to be dated July 29th, 2011; do
14 you see that?

15 A. Yes.

16 Q. So let's look at the first page. The text
17 on the left-hand side reads "Two Republican sources
18 say Representative Jim Jordan's disloyalty to House
19 Speaker John Boehner could cost him his
20 congressional seat by next year. Ohio's
21 congressional districts will be cut from 18 to 16."
22 Do you see that?

23 A. Yes.

24 Q. Did you have a fear at this point that you
25 would be singled out when the congressional

CONFIDENTIAL

Page 87

1 JAMES DANIEL JORDAN

2 districts changed?

3 A. Not really.

4 Q. And what do you mean by "not really"?

5 MR. RAILE: Objection. You can answer.

6 BY THE WITNESS:

7 A. To be quite honest, I had had -- when I
8 first ran for state Senate I had John Boehner
9 support my opponent in the Republican state Senate
10 primary, he did TV ads for my opponent, the governor
11 of the state did TV ads for my opponent, and it
12 didn't matter. We wound up winning and winning big.
13 As I said earlier today, the 4th District has always
14 been a west central Ohio-based district and I
15 thought it would probably stay in that direction
16 and, frankly, wasn't all that worried about how it
17 all shook out.

18 Q. So let's look at the page, taking your
19 attorney's objection about what the possible change
20 was, and I'm on page 3. So I'm right above the
21 crossed out text on your document and it starts with
22 "GOP sources."

23 A. Uh-huh.

24 Q. If you bear with me, it's a somewhat long
25 section I'm going to read. "The GOP sources

CONFIDENTIAL

Page 88

1 JAMES DANIEL JORDAN

2 separately described virtually the same plan being
3 considered for breaking up Jordan's district which
4 currently includes all of Allen, Auglaize, Shelby,
5 Hancock, Hardin, Logan, Champaign, Marion, Morrow
6 and Richland Counties, and the eastern half of
7 Wyandot County. The new district would put Jordan's
8 home county" -- now I'm skipping the crossed out
9 text -- "in a district with Madison County and
10 roughly half of Franklin County, including parts of
11 the county and Columbus with large populations of
12 African-Americans who traditionally vote
13 Democratic." Do you see that?

14 A. Yes.

15 MR. RAILE: I'll just object. The
16 "Champaign" word somehow -- I'm not exactly sure how
17 it fits in, but it was missed. You can go ahead
18 with your questioning, Counsel.

19 MS. THOMAS-LUNDBORG: I compared it to the
20 confidential document and I think the Champaign is
21 incorrectly put in this document.

22 THE WITNESS: Okay.

23 BY MS. THOMAS-LUNDBORG:

24 Q. So do you recall conversations about having
25 part of Franklin County included in your district?

CONFIDENTIAL

Page 89

JAMES DANIEL JORDAN

A. I don't recall conversations per se. I mean, I recall discussing this news story with our staff.

Q. And what was your opinion about Franklin County being included in your district?

A. Again, I didn't think it was going to happen. Our takeaway from this news article was, frankly, this is great news. You're being criticized in the paper for standing up and fighting in the United States Congress for the very thing you campaigned on and that you told the voters you were going to do, which is reducing spending, and now they're trying to -- I think they use the term "punish" in here somewhere -- now they're trying to punish you for doing what you said. It's not a bad thing in the political world.

Q. Why didn't you think it was going to happen?

A. I just didn't.

Q. Did you have any basis for that belief?

A. I mean, I guess I've said it several times. I felt there was a big block of counties in west central Ohio that are going to be put together in a congressional district. Historically that has just

1 JAMES DANIEL JORDAN

2 always been the case and I felt that that was going
3 to happen again.

4 Q. Would you consider Franklin a central Ohio
5 district?

6 A. Franklin's obviously central Ohio.

7 Q. Okay. And why did you believe that it
8 wouldn't be put with the other west central Ohio
9 districts?

10 A. I just didn't think it would.

11 Q. I'm going to go on back to the document and
12 reading the next sentence. "'In doing so you put
13 Jordan in a district that is competitive for both
14 parties and he will have a very, very hard time
15 winning,' said one of the sources." Do you think
16 putting Franklin in your district would have made it
17 more competitive?

18 MR. RAILE: Objection. You can answer.

19 BY THE WITNESS:

20 A. Depends on what parts of Franklin County.

21 Q. Which parts of Franklin County would have
22 made your district more competitive?

23 A. The Democrat parts.

24 Q. You ended up responding to this article or
25 at least your office did, correct?

CONFIDENTIAL

Page 91

1 JAMES DANIEL JORDAN

2 A. We may have. I'm not sure. I'm sure we
3 got asked by someone in the press. I don't recall
4 what we said.

5 Q. If you look at the bottom of page 2 of the
6 document that you have before you or towards the
7 bottom, it says "Meghan Snyder, Jordan's spokeswoman
8 said, 'We would hope that standing strong in favor
9 of lowering spending and balancing the federal
10 budget would not be a reason to eliminate the
11 district of a sitting member of Congress'; do you
12 see that?

13 A. Sure do.

14 Q. Who's Meghan Snyder?

15 A. She was our press person at the time.

16 Q. Do you recall her making this statement?

17 A. I'm sure that's what I said because that's
18 what I was saying to you earlier before I read this.
19 I know that's how we would -- you know, that's how
20 he would respond. So...

21 Q. One of the words that she used here is
22 "eliminating the district." What does it mean to
23 eliminate the district?

24 A. I'm not sure technically how you would
25 define it, but I'd probably use the definition of

1 JAMES DANIEL JORDAN

2 the folks who are being quoted in this article are
3 saying where you take just a very small part of the
4 district that I currently represent but happen to
5 reside in and put it with an area outside the
6 district.

7 Q. In addition to the statement there was a
8 Facebook post.

9 A. Okay.

10 (Jordan Exhibit 8 was marked as
11 requested.)

12 BY MS. THOMAS-LUNDBORG:

13 Q. Let's just look at it so we're not talking
14 in hypotheticals. This will be Exhibit 8. I will
15 represent to you that what I've put in front of you
16 and marked as Exhibit 8 is a post from your public
17 Facebook account that I downloaded with your name
18 dated July 28, 2011.

19 MR. RAILE: I'll just object as this
20 appears not to be complete, but you can proceed.

21 MS. THOMAS-LUNDBORG: By "complete" you
22 mean all of the comments?

23 MR. RAILE: Yes.

24 MS. THOMAS-LUNDBORG: Okay.

25 MR. RAILE: I mean, at least that. I've

CONFIDENTIAL

Page 93

1 JAMES DANIEL JORDAN

2 not reviewed this myself, but it does appear to have
3 many, many comments that are not here.

4 MS. THOMAS-LUNDBORG: Fair enough.

5 BY MS. THOMAS-LUNDBORG:

6 Q. I'll represent when you go to your Facebook
7 page looking at this post this is immediately what
8 becomes available and I did not further copy all the
9 comments, but there's no text from the post written
10 by you that is missing from this document.

11 The Facebook post reads "I'd be very
12 interested to hear your comments on this article
13 suggesting that my vote will result in my
14 congressional district being eliminated," and then
15 there's a link to a Dispatch article titled "Payback
16 may be coming for congressman's disloyalty."

17 A. Yes.

18 Q. That seems to be the article that we've
19 been discussing, at a minimum the one that is marked
20 confidential that was --

21 A. Okay.

22 Q. Again, the term being used here is
23 "eliminated"; do you see that on the Facebook post?

24 A. I do.

25 Q. And is that version of "eliminated" the

CONFIDENTIAL

Page 94

1 JAMES DANIEL JORDAN

2 same that you just gave me a minute ago?

3 MR. RAILE: Objection. You can answer.

4 BY THE WITNESS:

5 A. I would think so.

6 Q. And at the time was there any concern that
7 led your team to post this on Facebook?

8 A. We posted this on Facebook as a response to
9 the Dispatch story.

10 Q. Okay. Was this same comment also posted on
11 Twitter?

12 A. I do not know.

13 Q. Okay.

14 If you look back at Exhibit 7, which is the
15 article, back to the second page, right underneath
16 the section discussing Meghan Snyder there's a
17 statement that you made a statement both on Facebook
18 and Twitter.

19 A. Okay.

20 Q. Does that appear to be accurate?

21 A. I don't know. I assume if it says we did
22 we did.

23 (Jordan Exhibit 9 was marked as
24 requested.)

25 BY MS. THOMAS-LUNDBORG:

1 JAMES DANIEL JORDAN

2 Q. I'm having marked for the record Exhibit 9.
3 I will represent to you that Exhibit 9 is a document
4 from LexisNexis, which is a repository of lots of
5 things including news articles and interviews. The
6 title of this is "An interview with Ohio Congressman
7 Jim Jordan."

8 A. Okay.

9 Q. If you turn the page to the kind of actual
10 first page of content, it's an "Interview with
11 Congressman Jordan, Fox News Network, Your World
12 with Neil Cavuto." Do you know Neil Cavuto?

13 A. Yes.

14 Q. Have you ever given interviews with Neil
15 Cavuto?

16 A. Yes.

17 Q. Do you recall giving an interview on or
18 about July 29, 2011?

19 A. Not specifically.

20 Q. Do you have any reason to doubt that you
21 gave this interview on this date?

22 A. No.

23 Q. I'm turning to the second page. To orient
24 us on the page there's a "cross-talk," another
25 "cross-talk," and a third "cross-talk"; do you see

CONFIDENTIAL

Page 96

JAMES DANIEL JORDAN

that?

A. Yes.

Q. I'm on the section right below the third "cross-talk."

A. Okay.

Q. It states "Jordan: Well, the Speaker and I talked on the phone yesterday and we actually talked about a different issue that is relative to our districting in our -- in the state of Ohio"; do you see that?

A. Yes.

Q. Do you recall talking to Speaker Boehner about redistricting in Ohio?

A. Yes.

Q. And what was the nature of that discussion?

A. I wouldn't characterize it as a call about redistricting -- well, I would characterize it as a call about the article.

Q. Okay. And what was said in that conversation?

A. This is actually one I do remember distinctly because I was in the middle of a workout in the congressional gym running on the treadmill and one of the gym staff members walked in and said

CONFIDENTIAL

Page 97

1 JAMES DANIEL JORDAN

2 the Speaker would like to talk with you and he's on
3 the line now. Got off the treadmill, walked over,
4 picked up the phone, and the Speaker said that he
5 had nothing to do with the article or something to
6 that effect.

7 Q. Was anything else said on that call?

8 A. I think I told him -- I think I said
9 something to the effect like, you know, Mr. Speaker,
10 I've never criticized you in any way publicly and
11 will continue to follow that rule. He just said
12 that he or his team had nothing to do with the
13 article. It was a relatively short conversation.

14 Q. Okay. Did you have any other conversations
15 with Speaker Boehner about redistricting?

16 A. I do not recall any others.

17 Q. Did Speaker Boehner attend any of the
18 delegation meetings --

19 A. Can I back up? Again, I didn't
20 characterize -- I wouldn't characterize that
21 conversation we had as necessarily about
22 redistricting. It was about the story in the paper,
23 that that's why he called me and felt it was
24 important enough to get ahold of me in the middle of
25 a workout.

CONFIDENTIAL

Page 98

1 JAMES DANIEL JORDAN

2 Q. Fair enough. I was using your words here
3 from the other day, but I take your statement that
4 it was a call about the article.

5 So outside of the delegation meetings that
6 you've already discussed -- sorry. Strike that.

7 Did Speaker Boehner attend these delegation
8 meetings that we discussed earlier today?

9 A. Some he did, some he didn't. There were
10 times when he was there. There were times when --
11 he's the Speaker of the House. He doesn't always
12 make it to every delegation meeting. If he wasn't
13 there I'm sure he had a representative, his chief of
14 staff or someone.

15 Q. And did anyone on your staff talk to anyone
16 on Speaker Boehner's staff about redistricting?

17 A. Don't know.

18 Q. Is it possible those conversations
19 occurred?

20 A. It's possible, but I don't know.

21 Q. Do you know if any members of your staff
22 had any conversations with any of the other
23 congresspeople about redistricting?

24 A. I would doubt that our staff would be
25 talking with members.

CONFIDENTIAL

Page 99

1 JAMES DANIEL JORDAN

2 Q. Did they talk to any of the other members'
3 staff about redistricting?

4 A. That may have happened, but I don't know.

5 MS. THOMAS-LUNDBORG: Looking at my outline
6 I think I probably have an hour left.

7 MR. RAILE: Do we want to break now and
8 maybe just go through and not have to spend lunch
9 here? What do you think?

10 THE WITNESS: I would much prefer that. I
11 prefer to get done -- it's up to you obviously, but
12 I prefer to get done as soon as possible.

13 MS. THOMAS-LUNDBORG: Let's take a break,
14 but it can be a 10-minute break and we can come back
15 and try to finish before lunch.

16 (A short break was had.)

17 BY MS. THOMAS-LUNDBORG:

18 Q. Congressman Jordan, we are going to try to
19 get you out of here, but before we can do that I
20 have at least two other topics I'd like to talk to
21 you about. The first one is just going through some
22 people who are involved in redistricting at
23 different levels and seeing if you know them or knew
24 them at the time.

25 Do you know Ed Gillespie?

CONFIDENTIAL

Page 100

1 JAMES DANIEL JORDAN

2 A. I've shaken hands with him once.

3 Q. What about Chris Jankowski?

4 A. No, that doesn't ring a bell.

5 Q. Did you know Bob Bennett?

6 A. Yes.

7 Q. Who's Bob Bennett?

8 A. He was party chair.

9 Q. Party chair for what?

10 A. Wait. Am I thinking of the right? No, Bob
11 Bennett the lawyer?

12 Q. No. I am talking about Bob Bennett, party
13 chair.

14 A. Party chair in Ohio, yeah. He's passed on.

15 Q. And the party chair of which party?

16 A. Republican party.

17 Q. Okay. And did you know him?

18 A. Yes.

19 Q. Did you have any conversations with him
20 about Ohio's redistricting?

21 A. Don't know.

22 Q. Do you know if he was involved at all in
23 Ohio's redistricting?

24 A. I don't know. I wouldn't think directly,
25 but I don't know.

CONFIDENTIAL

Page 101

1 JAMES DANIEL JORDAN

2 Q. Do you know someone named Heather -- who
3 was named at the time Heather Mann and is now named
4 Heather Blessing?

5 A. No.

6 Q. Did you -- do you know Ray DiRossi?

7 A. Yes.

8 Q. Who is Ray DiRossi?

9 A. I knew Ray when I was in the Ohio Senate
10 because he was a staff -- he was staff in the Ohio
11 Senate and I forget his title.

12 Q. Did you have any conversations with him in
13 2011 about redistricting?

14 A. I don't know. Maybe. I don't recall.

15 Q. Do you know if he had any involvement in
16 redrawing Ohio's map?

17 A. Don't know. He may have, but I don't know.

18 Q. Did you know Tom Hofeller?

19 A. It doesn't ring a bell.

20 Q. Did you know Mark Braden -- or do you know
21 Mark Braden?

22 A. It doesn't -- I don't believe so.

23 Q. Do you know John Morgan?

24 A. I don't think so.

25 Q. Do you know Adam Kincaid?

CONFIDENTIAL

Page 102

1 JAMES DANIEL JORDAN

2 A. Again, doesn't ring a bell.

3 Q. Do you know Tom Whatman?

4 A. Yes.

5 Q. Who's Tom Whatman?

6 A. Tom is -- I think he's a political
7 consultant, lobbyist, but Tom is -- I forget when I
8 met Tom, but he's from -- he was from the 4th
9 District, the previous 4th District. He's from
10 Mansfield, Richland County, I should say.

11 Q. Did Tom Whatman work for Speaker Boehner?

12 A. I believe so. I believe so. I don't know
13 in what capacity for sure. I'm not sure exactly
14 what his responsibilities were, but I believe he
15 did.

16 Q. Did you have any conversations with
17 Mr. Whatman in 2011 about redistricting?

18 A. I may have. I don't know for sure, but I
19 may have.

20 Q. Do you know if anyone on your staff had
21 conversations with Mr. Whatman about redistricting?

22 A. They may have. I mean, I know our previous
23 chief of staff, you know, he knew Thomas well.

24 Q. And that's Mr. Yonkura?

25 A. Yes.

CONFIDENTIAL

Page 103

1 JAMES DANIEL JORDAN

2 A. Do you know if any e-mails were circulated
3 between you and Mr. Whatman?

4 A. I don't know. I would doubt it, but I
5 don't know.

6 Q. And do you know if anyone on your staff
7 e-mailed with Mr. Whatman?

8 A. Don't know.

9 (Jordan Exhibit 10 was marked
10 as requested.)

11 BY MS. THOMAS-LUNDBORG?

12 Q. So let's just spend some time talking about
13 the district. I'm having marked as Exhibit 10 a
14 picture of the current Ohio districts. So, again,
15 marked as Exhibit 10 is a picture of the current
16 Ohio districts and marked with a red dot and an
17 arrow is roughly your address in Urbana?

18 A. Yes. Okay.

19 Q. So we're just going to use this document as
20 a reference. We've established you live in Urbana,
21 correct?

22 A. Yes.

23 Q. And that's in Champaign County, correct?

24 A. Yes.

25 Q. How often do you get home?

CONFIDENTIAL

Page 104

1 JAMES DANIEL JORDAN

2 A. Most weekends and then, you know, we're
3 home when we're not in session. Weeks that we're
4 not in session in D.C. we're typically in Urbana as
5 well.

6 Q. And as we've discussed, when you're at home
7 you visit constituents; is that right?

8 A. Yes.

9 Q. Now, as I counted, your district currently
10 has nine counties including Allen, Auglaize, Shelby,
11 Logan, Champaign, Union, Crawford, Seneca, and
12 Sandusky; is that right?

13 A. Yes.

14 Q. You also have five partial counties,
15 Marion, Huron, Erie, and Lorain; is that right?

16 A. Yes. And a small section of Mercer.

17 Q. That's right. So six partial counties
18 then.

19 A. All a part of 14 counties. I think you
20 were right in your first assessment. Nine full,
21 five partial, Lorain, Huron, Erie, Marion are the
22 partials.

23 Q. Eight full counties and --

24 A. Nine full counties, five partials. The
25 five partials are Lorain, Erie, Huron, Marion, and

CONFIDENTIAL

Page 105

1 JAMES DANIEL JORDAN

2 Mercer.

3 Q. That I count as six.

4 A. Lorain County is one, Erie County is two,
5 Huron is three, Marion is four, Mercer is five.

6 Q. Sorry. You're right.

7 Where are your offices?

8 A. Lima and Norwalk.

9 Q. Do you also have an office in Crawford
10 County?

11 A. We do. A couple days a week I believe we
12 have a staff member come from the Norwalk office
13 come down and spend the day in the city building
14 there there in Bucyrus in Crawford County. She has
15 an office a few days a week I believe.

16 Q. And who's that?

17 A. Deedee. What's Deedee's last name. I'm
18 drawing a blank on Deedee's last name.

19 Q. So your Lima office is in Allen County; is
20 that correct?

21 A. Yes.

22 Q. And is someone there five days a week?

23 A. Oh, yeah. We have staff there every day.

24 Q. And then your Norwalk office is in Huron
25 County; is that right?

CONFIDENTIAL

Page 106

1 JAMES DANIEL JORDAN

2 A. Yes.

3 Q. And how often is someone there?

4 A. Every day.

5 Q. And how often do you make it to each
6 office?

7 A. Not that often because I meet with
8 constituents out and about in their areas. Our
9 staff jokes I've been to every Bob Evans multiple
10 times across our district. We'll have meetings at
11 restaurants and we'll be out touring businesses. We
12 do have meetings from time to time at the offices,
13 but I don't go there that often.

14 Q. Are any of your three offices considered
15 your main office?

16 A. The two main offices would be the ones I
17 talked about earlier, the one in Lima and the one in
18 Norwalk.

19 Q. And why do you have three offices?

20 A. To serve the constituents of the district.

21 Q. And how did you decide where to locate your
22 offices?

23 A. There's always been an office in Lima in
24 the 4th District. It's one of the larger cities in
25 the district. It's actually the largest city in the

CONFIDENTIAL

Page 107

JAMES DANIEL JORDAN

western portion of our district. So there's historical precedent, there's the fact that it's a large -- it's our second largest county in the district. So it's always been there.

Norwalk serves the northern and eastern part of the district. It's sort of centrally situated between Erie which is -- that portion of Erie County that I have in our district is the actually largest population center, slightly bigger, just a few thousand people bigger than what we have in Allen County. Then Sandusky and Seneca County, Norwalk's about equal distance between those areas in the north and more eastern part of the district.

Q. And then how did you choose to locate your office in Crawford County?

A. It is that full county kind of in between, sort of in the center, and we've just developed a strong relationship with the elected officials there in Crawford and Bucyrus. We felt it made sense to have a presence there as well. At least one day a week I believe is what we do.

Q. Now, several of the counties that you represent are close to your home county of Champaign; isn't that right?

1 JAMES DANIEL JORDAN

2 A. I think that's fair to say.

3 Q. And would you consider -- I'll name these
4 counties and you can tell me if I've left some off
5 that you would consider close. Logan, Union,
6 Shelby, and Auglaize are close counties to you?

7 A. Yeah, that's fair.

8 Q. And how often do you visit the counties
9 that I just named that are close?

10 A. A lot.

11 Q. What is a lot?

12 A. We did an analysis -- I mean, I don't
13 recall, but we did an analysis for this past
14 campaign we're in and the number of visits in the
15 district I forget how many hundreds of visits we had
16 done across the district and, you know, where those
17 were, but, you know, I think it's -- you're not
18 being a good representative if you don't go out and
19 talk to the people you get the privilege of
20 representing. So we do that a lot.

21 Q. You said you did an analysis of your visits
22 to the district and where they were. Do you know
23 how many of them were in the four counties that I
24 just named?

25 A. I don't know off the top of my head. I

CONFIDENTIAL

Page 109

1 JAMES DANIEL JORDAN

2 don't know.

3 Q. Now, you mentioned -- or we've mentioned
4 that Lorain County is also part of your district,
5 correct?

6 A. Correct.

7 Q. And Lorain County also includes Oberlin; is
8 that right?

9 A. Yes.

10 Q. And Oberlin is 150 miles away from where
11 you're located in Urbana?

12 A. It's a trek, yeah.

13 Q. How many times do you get there?

14 A. I've been there several times. I get to
15 Lorain County several times. I don't know the
16 number.

17 Q. Is that several times this year?

18 A. I have to go back and look. I'm not sure.

19 Q. Okay. Do you recall being there this year?

20 A. Yes.

21 Q. Do you recall how many times this year?

22 A. No.

23 Q. Do you recall when the last time was that
24 you were there?

25 A. I do not.

1 JAMES DANIEL JORDAN

2 Q. And then you mentioned you also have Erie
3 County and that's one of your largest populations
4 centers?

5 A. No. Lorain is.

6 Q. Oh, Lorain is. Okay.

7 A. Lorain's first, Allen's second.

8 Q. Okay. Erie County, though, you do have
9 Erie County?

10 A. I've got a portion of Erie County.

11 Q. A portion of Erie County.

12 A. Southern townships across the bottom.

13 Q. And how often do you visit Erie County?

14 A. Again, I don't know how often. I do know
15 if you talk with constituents around the district
16 they'll tell you that we're out and about across the
17 district a lot.

18 Q. When was the last time you were in Erie
19 County?

20 A. Probably -- I was going to give you the
21 date because we had a debate at Monroeville High
22 School in the course of the campaign. So just a few
23 weeks ago we were in Monroeville, and then we did
24 other events up there in that part of the district
25 I'm sure that day we probably had some other stops

CONFIDENTIAL

Page 111

1 JAMES DANIEL JORDAN

2 in and around the time of the debate.

3 Q. And prior to the debate do you recall when
4 the last time was that you were in Erie County?

5 A. I don't know for sure.

6 Q. Were you in Erie County again sometime this
7 year?

8 A. Probably, but I can't give you the day.

9 Q. Were you there more than one other time
10 this year?

11 A. Probably, but I don't know definitively.
12 This year?

13 Q. This year.

14 A. Oh, I'm sure of that.

15 Q. Do you recall how many times that would
16 have been?

17 A. I don't know.

18 Q. Do you know what the partisan breakdown is
19 of Lorain County?

20 A. It leans Democrat I'm sure. I don't know
21 the percentages.

22 Q. Do you know what the partisan makeup is of
23 Erie County?

24 A. I don't know.

25 Q. Do you know if Erie County went for

1 JAMES DANIEL JORDAN

2 President Obama in 2008?

3 A. I don't know.

4 (Jordan Exhibit 11 was marked
5 as requested.)

6 BY MS. THOMAS-LUNDBORG:

7 Q. I'm having marked as Exhibit 11 a proposed
8 remedial map proposed by Plaintiffs in this case.
9 Again, we have marked for the record your location
10 in your home county.

11 A. Uh-huh.

12 Q. This map changes the shape of your
13 county -- of your district, as you can see, and you
14 go from representing 14 counties here to seven
15 counties. My first question is would it be easier
16 to visit seven counties than 14?

17 A. I suppose so.

18 Q. Now, the majority of counties in this new
19 map are whole counties, but you do still have two
20 partial counties; do you see that?

21 MR. RAILE: Objection. You can answer.

22 BY THE WITNESS:

23 A. Yes.

24 Q. As you sit here today, are you aware of any
25 reasons why the Court shouldn't order this new

CONFIDENTIAL

Page 113

1 JAMES DANIEL JORDAN

2 configuration?

3 MR. RAILE: Objection.

4 BY THE WITNESS:

5 A. I mean, I don't think I'm prepared to
6 speculate on what the Court may or may not do.

7 Q. Do you have any opinions about the
8 composition of this proposed county --

9 A. Just saw it when you handed it to me.

10 MR. RAILE: Objection.

11 BY MS. THOMAS-LUNDBORG:

12 Q. Understood, but you know the counties in
13 your state, correct?

14 A. Well, I know there are 88 of them. I don't
15 know that I've been to every single one. I've been
16 to probably most of them, but I know the ones in
17 west central Ohio and in the 4th Congressional
18 District better than other parts of the state
19 certainly.

20 Q. So the proposed counties here are
21 Champaign, which we've discussed as your home
22 county. Have you been to Clark County?

23 A. Sure.

24 Q. As you sit here today, do you have see any
25 reason why Clark County shouldn't be a county that

CONFIDENTIAL

Page 114

1 JAMES DANIEL JORDAN

2 you represent?

3 MR. RAILE: Objection.

4 BY THE WITNESS:

5 A. Again, I don't -- this is the first time
6 I've seen the map. I know Clark County, I've been
7 there several times.

8 Q. Do you know Miami?

9 A. Yes. Born in Miami County.

10 Q. Darke County?

11 A. Yes, I know Darke County.

12 Q. The writing here is a little --

13 A. Priebble.

14 Q. You knew I was going to butcher that one.
15 Do you know Priebble?

16 A. Yes.

17 Q. And do you know Butler?

18 A. Yes. I haven't been to Butler -- well, I
19 know Butler.

20 (Jordan Exhibit 12 was marked
21 as requested.)

22 BY MS. THOMAS-LUNDBORG:

23 Q. I'm having marked for the record
24 Exhibit 12. So for the record I will identify this
25 document. When we were looking at your district and

1 JAMES DANIEL JORDAN

2 other districts we realized that the proposed
3 remedial map that we just saw in Exhibit 11 paired
4 you with Representative Davison. So we made a
5 slight change to the lines and this has you in
6 another District 4. Do you see the location on the
7 map?

8 A. Yes.

9 Q. And this was disclosed to your counsel on
10 Friday as part of an errata report to our map
11 drawer. So in this version you keep many of the
12 counties that you already have, Allen, Auglaize,
13 Logan, Champaign, Union, Marion, and part of Shelby;
14 do you see that?

15 A. I do.

16 Q. And then additional districts are added; do
17 you see that?

18 A. Additional counties are added.

19 Q. Sorry, counties are added.

20 A. Yes.

21 Q. And in this version you would have two
22 split counties instead of the five that you
23 currently have; do you see that?

24 A. I do.

25 Q. As you sit here today, are you aware of any

CONFIDENTIAL

Page 116

1 JAMES DANIEL JORDAN

2 reasons that you couldn't represent these counties?

3 MR. RAILE: Objection.

4 BY THE WITNESS:

5 A. No.

6 Q. And let's go through some of the new
7 counties. Are you familiar with Williams County?

8 A. Yes.

9 Q. Are you familiar with Fulton County?

10 A. I mean, I don't know what you mean by
11 "familiar." Do I know they exist? Certainly.

12 Q. Have you been there?

13 A. I'm sure I have at some point or other in
14 my life.

15 Q. Are you aware of their general composition?

16 A. I mean, they're largely rural,
17 agricultural, manufacturing counties just like I
18 currently represent in the 4th District, yes.

19 Q. So I will reserve those answers for
20 Williams and Fulton which I just asked you about.
21 Is the same true for Defiance?

22 A. Yes.

23 Q. Is the same true for Henry?

24 A. Yes.

25 Q. Paulding?

CONFIDENTIAL

Page 117

1 JAMES DANIEL JORDAN

2 A. Yes.

3 Q. Putnam?

4 A. Yes.

5 Q. Van Wert?

6 A. Yes.

7 Q. Madison?

8 A. Yes.

9 (Jordan Exhibit 13 and
10 Exhibit 14 was marked as
11 requested.)

12 BY MS. THOMAS-LUNDBORG:

13 Q. I'm going to have two documents marked at
14 the same time. The first one is 13, the second is
15 14. I've put in front of you two documents,
16 Exhibit 13 and 14, and I will represent for the
17 record these are two hypothetical district maps that
18 could have been drawn at the time that were
19 disclosed as part of our rebuttal expert report for
20 William Cooper. I will also represent to you -- and
21 you can look to make sure that it's true -- that for
22 purposes of this exercise your district is the same
23 in the two hypotheticals. Other districts change,
24 but your district remains the same.

25 A. Okay.

CONFIDENTIAL

Page 118

1 JAMES DANIEL JORDAN

2 Q. Now, this hypothetical you keep many of the
3 same districts that you represent today, Champaign,
4 Union, Logan, Shelby, Auglaize, Allen and part of
5 Marion; do you see that?

6 A. I do.

7 Q. And in this version you have three partial
8 counties instead of five as you currently have; do
9 you see that?

10 A. I do.

11 Q. Are you aware of any reasons why the map
12 drawers couldn't have drawn this district for you?

13 MR. RAILE: Objection.

14 BY THE WITNESS:

15 A. No.

16 Q. As you sit here today, can you think of any
17 reasons why you couldn't represent any of the
18 counties in this district?

19 MR. RAILE: Objection.

20 BY THE WITNESS:

21 A. No.

22 MS. THOMAS-LUNDBORG: I think I might be
23 done. If we could take a short five-minute break.

24 MR. RAILE: Just so you know, I have about
25 maybe five minutes of questions.

CONFIDENTIAL

Page 119

1 JAMES DANIEL JORDAN

2 MS. THOMAS-LUNDBORG: I may have additional
3 questions then after yours.

4 MR. RAILE: Of course.

5 (A short break was had.)

6 MS. THOMAS-LUNDBORG: So Plaintiffs are
7 done asking questions for the moment reserving the
8 right to ask a few follow-up questions after
9 intervenor's counsel.

10 EXAMINATION

11 BY MR. RAILE:

12 Q. Congress Jordan, as I stated at the
13 beginning, I'm Richard Raile. I represent the
14 congressional intervenors. Just a few questions.

15 Do constituents of your district
16 communicate with you?

17 A. Yes.

18 Q. Do constituents of your district
19 communicate with your office or individuals who work
20 for you?

21 A. Yes.

22 Q. How do you respond to communications by
23 constituents?

24 A. In whatever form -- we respond to all
25 communications from the district in typically

1 JAMES DANIEL JORDAN

2 whatever format they come to us. So if they text
3 us -- not text us, but e-mail us we'll e-mail them I
4 guess. If they call we'll call back. If they send
5 a letter we'll respond in letter form. We make a
6 point to any and all constituents who contact us
7 they get a response back from our office.

8 Q. When you say "we," do you include both you
9 and those who work for you?

10 A. Yes.

11 Q. When a constituent communicates with you or
12 those who work for you do you or those who work for
13 you ask the constituent if that person is a Democrat
14 or a Republican?

15 A. No.

16 Q. Do you or those who work for you have any
17 way of knowing if that constituent is a Democrat or
18 Republican?

19 A. Only if they tell us. Sometimes you can
20 tell they don't like me by the nature of their call.
21 Other times they're calling to compliment some vote
22 or some speech or some TV appearance that they've
23 seen me on.

24 Q. Does it matter to you whether a constituent
25 who reaches out to you or those who work for you is

1 JAMES DANIEL JORDAN

2 a Democrat or a Republican or a member of some other
3 group?

4 A. No.

5 Q. Is that information -- and by "information"
6 I mean whether the constituent is a Democrat or
7 Republican or a member of some other group --
8 something that you or those who work for you take
9 into account in any way in responding or handling
10 the constituent communication?

11 MS. THOMAS-LUNDBORG: Objection.

12 BY THE WITNESS:

13 A. No. That would be wrong.

14 Q. Do you participate in candidate forums?

15 A. Yes.

16 Q. How often?

17 A. This past election we were in three with
18 our opponent. There were a couple other
19 opportunities, but just scheduling conflicts
20 prevented us from doing it. I think our opponent
21 actually asked for five, but we did three.

22 Q. How do you decide whether to participate in
23 a candidate forum or not?

24 A. Schedule. I mean, if we're voting in
25 Washington, D.C. -- some of the days they initially

1 JAMES DANIEL JORDAN

2 proposed in the example I'm giving we were actually
3 scheduled to be here in D.C. doing legislative work
4 in Washington, but we had two debates and a
5 candidate forum, one in Erie County, one in Allen
6 County and one in Auglaize county.

7 Q. Have you ever participated in a candidate
8 forum sponsored by a group called the League of
9 Women Voters?

10 A. Yes.

11 Q. When was that?

12 A. A few years ago. The first year that
13 Oberlin got drawn -- or Erie County and therefore
14 part of Oberlin, which is part of Erie County, so
15 that would be 2012 election, the first time it was
16 drawn into our district we had a candidate forum
17 there in Oberlin sponsored by the League of Women
18 Voters.

19 Q. To be clear, you participated in that?

20 A. Yes.

21 Q. Has there ever been an instance where you
22 have turned down an invitation to participate in a
23 candidate forum sponsored by the League of Women
24 Voters?

25 A. Yes, actually this year. We had a

1 JAMES DANIEL JORDAN

2 scheduling conflict, but I know there's another one
3 in the '14 election I believe we were back in
4 Oberlin at a League of Women Voters event. I just
5 remember it's the church there on campus where they
6 have these events. This year we couldn't because I
7 was scheduled to do another event in Columbus.

8 Q. So for this year, the one that you didn't
9 attend, was there any reason you did not attend
10 other than the scheduling conflict?

11 A. No. I mean, we had another event we were
12 going to.

13 Q. You represent the 4th District -- Ohio's
14 4th Congressional District; is that correct?

15 A. Yes.

16 Q. Which constituents of that district do you
17 consider yourself to represent?

18 A. All of them.

19 Q. Is that members of all political parties?

20 A. Yes, and not affiliated as well.

21 Q. Now, counsel for Plaintiffs showed you some
22 different maps illustrating different ways Ohio
23 could be divided into congressional districts. Do
24 you remember those maps?

25 A. Yes.

1 JAMES DANIEL JORDAN

2 Q. Do you remember those questions?

3 A. Yes. Somewhat, yes.

4 Q. Do you think it's possible that Ohio could
5 be drawn up in ways that are in other maps that you
6 were not shown today?

7 A. Of course.

8 Q. Do you have any idea how many different
9 ways Ohio could be drawn up into maps -- into
10 congressional districts?

11 A. 11 million people, 16 districts, I assume
12 the possibilities are almost infinite.

13 Q. You testified earlier that you have
14 familiarity with how redistricting of congressional
15 districts is done in Ohio; did I hear you correctly?

16 A. Yes.

17 Q. What institutions -- institution or
18 institutions are responsible in Ohio for drawing the
19 congressional districts?

20 A. The General Assembly and then obviously
21 like any other bill it would have to be signed by
22 the governor to become law.

23 Q. Can you think of any other reasons sitting
24 here today why the map drawn by the General Assembly
25 according to Ohio law in 2011 should be replaced by

CONFIDENTIAL

Page 125

1 JAMES DANIEL JORDAN

2 any map drawn by a court?

3 A. No.

4 MR. RAILE: Those are all my questions.

5 FURTHER EXAMINATION

6 BY MS. THOMAS-LUNDBORG:

7 Q. I have one follow-up question.

8 You mentioned that there was a Columbus
9 event this year?

10 A. Uh-huh.

11 Q. Which was the reason that you missed the
12 League of Women Voters candidate forum. Do you
13 recall what that event was?

14 A. Political event.

15 Q. Could you further define what you mean by
16 "political event"?

17 A. It was -- I think it was a fundraising
18 event for the party.

19 Q. By "the party" what do you mean?

20 A. By the Republican party.

21 MS. THOMAS-LUNDBORG: I have no further
22 questions.

23 MR. RAILE: Nor do I.

24 (Whereupon, at 12:40 p.m. the taking of the
25 instant deposition ceased.)

CONFIDENTIAL

Page 126

J U R A T

I, _____, do hereby certify under
penalty of perjury that I have read the foregoing
transcript of my deposition taken on _____;
that I have made such corrections as appear noted
herein in ink, initialed by me; that my testimony as
contained herein, as corrected, is true and correct.

DATED this ____ day of _____, 20____, _____,
at _____, _____.

SIGNATURE OF WITNESS

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Page 127

ERRATA SHEET

Case Name:

Deposition Date:

Deponent:

Pg.	No.	Now Reads	Should Read	Reason
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Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS ____ DAY OF _____, 2018.

(Notary Public) MY COMMISSION EXPIRES: _____

CONFIDENTIAL

Page 128

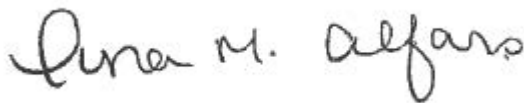
JAMES DANIEL JORDAN

CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC

I, TINA M. ALFARO, Registered Professional Reporter, Certified Realtime Reporter, and Notary Public, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my direction; that reading and signing was requested; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 12th day of December, 2018.

My Commission expires October 31, 2020.



NOTARY PUBLIC IN AND FOR THE
DISTRICT OF COLUMBIA